

B.

ACTS 2

PASSED AT

THE SECOND SESSION

OF

The General Assembly

OF THE

STATE OF ALABAMA.

Begun and held in the Town of CAHAWBA, on  
the first Monday in November, one thousand  
and eight hundred and twenty.

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MASSACHUSETTS  
THOMAS BIBB, Acting Governor,

GABRIEL MOORE.

PRESIDENT OF THE SENATE.....AND

GEORGE W. OWEN,

SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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70  
ATTORNEY GENERAL

# ACTS

## OF THE SECOND SESSION

### OF THE

### GENERAL ASSEMBLY OF ALABAMA.

#### **An Act to alter and enlarge the terms of certain Circuit Courts in this State.**

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Circuit Court in the county of Madison shall commence on the first Mondays in February and September, and the term shall be three weeks each; in the county of Jackson on the fourth Mondays in February and September, and the terms shall be one week each; in the county of Catoosa on the first Monday in March and the first Monday after the fourth Monday in September; in the county of Blount on the second Monday in March and the second Monday after the fourth Monday in September; in the county of St. Clair on the third Monday in March and the third Monday after the fourth Monday in September; in the county of Shelby on the fourth Monday in March and the fourth Monday after the fourth Monday in September; in the county of Limestone on the second Mondays in March and October, and each term shall be two weeks; in the county of Lawrence on the fourth Mondays in March and October, and each term shall be two weeks; in the county of Lauderdale on the second Mondays after the fourth Mondays in March and October; in the county of Franklin on the third Mondays after the fourth Mondays in March and October; in the county of Marion on the fourth Mondays after the fourth Mondays in March and October; in the county of Pickens on the fifth Mondays after the fourth Mondays in March and October.

Circuit  
Courts  
when  
hold-  
en.

Sec. 2. *And be it further enacted,* That the circuit courts in the county of Montgomery, shall be held on the second Mondays in February and August; in the county of Autauga on the third Mondays in February and August; in the county of Dallas, on the fourth Mondays in February and August, and may continue in session two weeks; in the county of Wilcox on the second Mondays in March and September; in the county of Butler on the third Mondays in March and September; in the county of Henry, on the fourth Mondays in March and September.

Sec. 3. *And be it further enacted,* That the circuit courts in the county of Conecuh, shall hereafter be held on the third Mondays in March and September; in the county of Monroe, on the fourth Mondays in March and September, and may continue two weeks; in the county of Clark, on the second Mondays in April and October, and may be held two weeks; in the county of Washington on the fourth Mondays in April and October, and may continue two weeks; in the county of Baldwin, on the second Mondays in May and November; and in the county of Mobile, on the third Mondays in May and November.

Supreme  
court when  
holden

Sec. 4. *And be it further enacted,* That from and after the passage of this act, the term of the supreme court shall commence on the second Mondays in June and December, in each and every year.

Process  
when re-  
turnable.

Sec. 5. *And be it further enacted,* That all process now or hereafter made returnable to any of the said courts, at the first term thereof by the present law, shall be returned to the first term of said courts, as changed by this act, and shall be proceeded on as though made returnable thereto.

Sec. 6. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed.

Writ of e-  
lection for  
officers in  
Pickens  
County.

Sec. 7. *And be it further enacted,* That the Governor be, and he is hereby authorized forthwith to issue a writ of election to some fit persons in the county of Pickens, requiring them to hold an election at the different places of holding the general elections in said county, for the purpose of electing a sheriff, clerk of the circuit and of the inferior court, and make return of the persons so elected, agreeable to the Constitution and the election laws of this State, to be commissioned accordingly; and the inferior court for said county shall commence on the fourth Monday in February, May, August and November.

County  
court when  
holden.

Militia  
what reg't

Sec. 8. *And be it further enacted,* That the militia of the county of Pickens, compose the thirty-fourth regiment and be attached to the fifth brigade of the militia in this State.

Dallas  
County  
Court.

Sec. 9. *And be it further enacted,* That the county courts in the county of Dallas, shall hereafter be holden on the first Mondays in February, May, August and November, and that this section of this act, shall commence and be in force from and after the first day of January next.

Challenge  
jury.

Sec. 10. *And be it further enacted,* That in all jury trials, either party may and shall have the rights to a peremptory challenge of four of the jury.

Offenders  
to be tried  
by indictment.

Sec. 11. *And be it further enacted,* That hereafter it shall and may be lawful to try offenders by indictment in all cases which are now required by law to be tried on presentment.

Dispensa-  
tion of ju-  
rs.

Sec. 12. *And be it further enacted,* That hereafter, each and every grand juror, and juror of the original pannel, shall be entitled to receive one dollar for each and every day he may serve as such, and mileage as heretofore allowed; which shall be paid out of any monies in the county Treasury on the certificate of the clerk, of his having served as such; and in case there should not be funds in the county treasury for the payment of such demands, the certificate of such juror shall be receivable by the collector of taxes for county purposes, in their respective counties.

[Approved Dec. 21st, 1820.]

## An Act to establish a State University.

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a Seminary of Learning be and the same is hereby established, to be denominated "The University of the State of Alabama."

Sec. 2. *And be it further enacted,* That three commissioners shall be appointed by the Governor, within each county wherein any of the lands reserved by the United States for a Seminary of Learn-

University  
to be estab-  
lished.

men ap-  
pointed.

ing may be situated, who shall enter into bond with sufficient security to the Governor and his successors in office for the faithful performance of their duty, whose duty it shall be to lease the said lands, which leasing shall be for the term of one year from the first day of January next; and shall be done at public auction, offering the said lands in convenient tracts, and in such way as may be deemed most advantageous to the state, and also giving advertisement in the nearest public paper, of the lands so to be offered, at least two weeks previous to the offering of the same: *Provided*, that no improved land shall lease for a less price than two dollars per acre, for the said term of one year.

To lease.

Minimum.

Sec. 3. *And be it further enacted*, That the said Commissioners are hereby authorized and required, as soon as may be, to employ the county surveyor, or some suitable surveyor, to admeasure the improved land as aforesaid, and to make report of the condition of the same under the direction of the said commissioners, to be returned to them with a plat of the said improved lands; the expence to be paid out of the rent of the lands.

Lands to be surveyed.

Sec. 4. *And be it further enacted*, That it shall be the duty of the commissioners appointed by virtue of the third section of this act, to take bond with sufficient security for every such lease payable to the Governor and his successors in office, and to deposit the same with the Comptroller, and to take covenants from the several lessees against the commission of waste, or suffering the same to be committed; and for delivering possession at the expiration of the lease; and it shall also be the duty of the said commissioners to visit the several tracts reserved within their counties respectively at least once in every period of six months for the purpose of preventing waste or trespasses from being committed; and it shall be their duty to give information of all waste or trespasses on said lands, to the Solicitor of the circuit in which such lands shall be, whose duty it shall be to prosecute the same.

Duty of com'r's.

Sec. 5. *And be it further enacted*, That any person or persons who may, after the first day of January next, unlawfully enter upon, and destroy any timber or improvements on any of the lands granted to this state for a Seminary of learning, shall on indictment and conviction, be fined in treble the amount of the damages, to be assessed by a jury, which fine shall be applied to the fund herein before provided, for the purposes of the said University.

Trespass how punished.

Sec. 6. *And be it further enacted*, That the Commissioners appointed in virtue of the third section of this act, shall receive a commission of four per centum on the amount of all sums for which they shall return bonds taken by them for leases of lands, as full compensation for all services.

Com'r's compensation.

Sec. 7. *And be it further enacted*, That the same proceeding may be had, and before the same jurisdiction for enforcing the payment of any of the bonds or securities, that may be taken in virtue of this act, as is authorized by law in the case of defaulting collectors of the public taxes, and it shall be the duty of the officer who prosecutes for the state, for the recovery of the revenue against defaulting collectors, to prosecute for the recovery of the arrears of rent under this act.

Rent how recovered

Sec. 8. *And be it further enacted*, That all prosecutions under this act, shall be carried on as other prosecutions in the name of the state of Alabama; and it shall be the duty of the Solicitors of the several circuits in this state upon information of said commissioners to

Fines how disposed of.

prosecute such offenders and to receive the fines imposed by this act, and pay the same into the public treasury.

16 section  
money due  
how reco-  
vered.

Sec. 9. *And be it further enacted*, That all persons who hold or have received any rent or money accruing on the sixteenth sections, previous to the first day of January 1820, be and they are hereby required to pay or deliver over the same to the agents of the sixteenth sections, in their respective townships, elected according to the provisions of the act to provide for leasing, for a limited time, the lands reserved by the Congress of the United States, for the support of schools within each township in this state, for a Seminary of learning, and for other purposes: And in case of refusal or neglect so to do, the said agents are hereby authorized and directed to instruct the Solicitor of their respective circuits to proceed to the recovery of the same, any law, usage or custom; to the contrary notwithstanding: And the Solicitors of the different circuits are hereby authorized and required to commence suit agreeable to such instructions.

Com'r's  
to provide  
fences

Sec. 10. *And be it further enacted*, That the Commissioners appointed under this act, shall have the power to apply so much of the rent arising from any tract of cleared land as may be sufficient to put the same under a good and lawful fence, provided nothing in this act shall be so construed as to operate on any parcel of cleared land, which may be under a good fence at the time the same shall be offered for lease.

[Approved Dec. 18th, 1820.]

## An Act to regulate the proceedings in suits at Common Law.

Petition

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That when any person or persons holding a bond or note for the direct payment of money may desire to bring suit thereon, he or they may do so, by filing such bond or note with the clerk of any court having jurisdiction thereof, with a petition purporting as follows, "State of Alabama, Circuit or County Sct. A. B. plaintiff states that he holds a bond or note (as the case may be) on the defendant C. D. in substance as followeth, (here insert a copy of the bond or note) yet the said debt remains unpaid wherefore he prays judgment for his debt and damages for the detention of the same together with his costs, &c. A. B."

Endorse-  
ment to be  
recited

Sec. 2. *And be it further enacted*, That if such bond or note is held by an assignee or indorsee, then, after reciting the bond or note, "on which is the following assignment or indorsement, (recite the assignment or indorsement) whereby the plaintiff hath become the proprietor thereof, of which the defendant hath had due notice."

Copy of pe-  
tition to be  
annexed to  
summons

Sec. 3. *And be it further enacted*, That a copy of the petition with a summons annexed thereto, requiring the defendant to appear and answer the demand on the first day of the next succeeding term, which shall be issued by the clerk, and served by the sheriff by delivering a copy of the petition and summons to the defendant, and each of the defendants, if there be more than one.

Judgment  
at 1st term

Sec. 4. *And be it further enacted*, That the sheriff in his return shall note the day on which it shall have been executed, and whenever it shall appear therefrom that it has been executed five days or more before the return day, judgment may be rendered the first term,

subject however to be continued for cause shown; but if the process be not executed five days before the return day thereof, a continuance shall be entered, unless a trial shall be had by consent of parties.

Sec. 5. *And be it further enacted*, That the petition shall stand in place of a declaration, and the defendant may appear and plead thereto as in an action of debt and issue be joined accordingly; which issue shall stand over to, and be tried at, the next term of the court in which such suit may be instituted, unless a trial is had at the first term by consent of the parties, but if the defendant does not appear and plead, judgment may be taken by default.

To be continued for cause.  
Petitions in lieu of declarations.

Judgment by default.

Sec. 6. *And be it further enacted*, That it shall be lawful in all actions of debt, assumpsit, and covenant, to take judgment at the return term thereof, but the defendant may upon filing a plea to the merits, have the suit continued.

Judg't return term unless plea

Sec. 7. *And be it further enacted*, That in all cases when judgment passes against the defendant at the first term, such judgment from the date thereof shall be a lien on the estate of the defendant; but execution shall not issue thereon, until the expiration of sixty days after the end of said term.

Judgment lien.

Sec. 8. *And be it further enacted*, That if the defendant shall before, execution issues on such judgment tender to the clerk of the court where the judgment was rendered good and sufficient security, to be approved of by the said clerk for the amount of the judgment, interest and costs of suit, the clerk shall take a recognizance to the effect following:

Judgment may be stayed.

"Whereas A. B. plaintiff at the term of court obtained a judgment against C. D. defendant for the sum of debt interest or damage, (as the case may be) and costs of suit; or if the judgment be in damages therefor, the sum of damages and costs of suit; and whereas the said C. D. hath tendered E. F. to be bound with him to the said A. B. for the amount of the said judgment, interest and costs. I G. H. clerk of said court, do hereby accept for the said A. B. the following recognizances, to wit: We the said C. D. and E. F. hereby acknowledge ourselves to be bound to the said A. B. in the said sum of debt interest or damage and costs of suit; or damages and costs of suit (as the case may be) and the further sum of for taking this recognizance, to be paid to the said A. B. six months after the date hereof, with interest thereon from the date of said judgment; and if we shall delay payment thereof, for the space of sixty days after the said term of six months, then execution is to issue against our estates or bodies, as the said A. B. may direct for the amount of this recognizance with interest as aforesaid. Signed, sealed, and delivered in the presence of the said G. H. clerk of C. D. L. s. E. F. L. s. Which recognizance shall have the force and effect of a judgment, and execution may issue thereon as upon other judgments, but after the execution of the recognizance as aforesaid, the lien created by the judgment shall cease.

Recognizance.

Lien to cease.

Sec. 9. *And be it further enacted*, That the said recognizance may be satisfied and discharged by the payment of the amount thereof to the clerk of said court, at any time before execution issues thereon, and by paying one half per centum thereon to said clerk for his trouble in collecting and securing the money. And upon the payment thereof, the clerk shall in the presence of the said defendant, his

Recognizance may be satisfied

agent or attorney, enter on said recognizance satisfaction in full, and carefully file and preserve the same among the papers of the suit. And he shall also execute to the defendant a receipt in full upon such payment.

Penalty of  
clerk's for  
fail'g to pay  
over money

Sec. 10. *And be it further enacted*, That if any clerk shall fail to pay over to the plaintiff money received as aforesaid when required, he shall pay the same with six per cent per month thereon, to be recovered by motion, upon ten days notice thereof before said court, with such costs as may be awarded against him.

Remedial.

Sec. 11. *And be it further enacted*, That nothing in this act contained, shall be so construed as to take away any remedy or defence heretofore allowed by law. Nor shall this act be otherwise construed than as a remedial statute.

Clk's fees

Sec. 12. *And be it further enacted*, That the clerk shall be allowed for issuing a summons and copying the petition fifty cents, and for taking recognizance under this act fifty cents, and for receiving and paying over money to the plaintiff one half per centum thereon, to be taxed in the bill of costs. [Approved Dec. 20th, 1820.]

### An Act concerning Writs of Error.

Writ of  
Error, how  
issued and  
returned.

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of the clerks of the circuit courts in this state respectively, on the application of the party against whom any final judgment shall have been rendered, or on the application of the attorney of the said party, to issue a writ of Error returnable to the first day of the next term of the Supreme Court, and also to issue a citation which shall be served upon the opposite party or his attorney, by the proper officer of the court at least ten days previous to the commencement of the next term of the Supreme Court, which citation shall be returned to the office of the clerk from which it issued whenever served, whether in vacation or term time, and shall, together with a transcript of the record in the cause be delivered to the party applying for the writ of error, or his, or her, or their attorney to be by him, or her or them returned to the first day of the next term of the Supreme Court, and in case the transcript of the record, in the cause below should not be delivered to the clerk of the Supreme Court, on or before the third day of the term to which the writ of error shall be returnable, it shall be lawful for the Supreme Court at that term, or at any term thereafter on motion of the defendant in error or his attorney, and on producing a copy of the citation served upon the defendant certified by the Sheriff, or on producing a certificate from the clerk of the court from which the writ of error issued shewing the time at which it issued, the amount for which judgment was rendered, and at what term of the court below, to affirm the judgment of the circuit court with costs of suit.

Clerk's  
duty.

Sec. 2. *And be it further enacted*, That whenever a final judgment shall be rendered by the Supreme Court in any cause, it shall be the duty of the clerk of the Supreme Court to certify the judgment of the said court, to the clerk of the court from which the cause came, together with a bill of the costs accruing in the Supreme Court; and it shall be the duty of the clerk of the court below, im-

mediately on the receipt of the said certificate, to issue execution, if judgment be rendered for the plaintiff in the original cause, for all the money together with all the costs of the suit in the court below, and Supreme Court, which by the judgment of the Supreme Court may be due from the defendant to the plaintiff, or to issue such an execution as may be directed by the Supreme Court; but if judgment be rendered for the defendant in the original cause, then against the plaintiff in the original cause, for all the said costs of suit, or such other execution as may be directed by the Supreme Court, returnable to the next term of the court below. And it shall be the duty of the clerk of the court below to transmit to the clerk of the Supreme Court upon the return of the said execution satisfied, all the costs which may have accrued in the same cause in the Supreme Court.

Sec. 3. *And be it further enacted*, That no judgment of the circuit court in this state shall be suspended unless the party applying for such writ of error shall execute in the clerk's office a bond with sufficient security, to be approved by the clerk, conditioned for prosecuting the writ of error to effect and to pay and satisfy the judgment which shall be rendered in the said cause by the Supreme Court.

Appellant to give bond.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Supreme Court to decide all the causes which may be returned to the said court at the return term thereof, unless for good cause the same shall be continued, and in all cases decided in the Supreme Court the successful party shall be entitled to the same fee which is now allowed in Chancery causes in the circuit court.

Supreme Court to decide at return term.

Sec. 5. *And be it further enacted*, That it shall not hereafter be lawful for any circuit court to refer to the Supreme Court any question of law, except such as may be novel and difficult and arise in a criminal cause.

Novel questions only to be transferred.

Sec. 6. *And be it further enacted*, That the Supreme Court shall not hereafter render judgment against the security in the bond given by the party upon obtaining a writ of error or appeal, but it shall be the duty of the clerk of the court from which the cause came immediately upon the receipt of the certificate of affirmance in the Supreme Court on the application of the obligee to issue a *scire facias* to the security or securities in the said bond, to appear at the next circuit court and shew cause if any, he, she or they have, why judgment should not be rendered against him. If no cause or an insufficient cause be shewn, it shall be the duty of the said court, to render judgment against the security or securities for the amount of the judgment of the Supreme Court, together with the damage, interest and costs allowed by law.

Proceedings against securities writs of error.

Sec. 7. *And be it further enacted*, That a writ of error may issue to reverse any final judgment in the circuit court at any time within three years after the rendition of the judgment and not afterwards.

Writs of error within three years.

Sec. 8. *And be it further enacted*, That any judge of the circuit courts, on an inspection of the records or the transcript thereof, of any cause in which final judgment shall have been rendered, may, if he shall be of opinion that any material mistake or error has been committed by a ministerial officer after the rendition of judgment, grant a writ of error *coram vobis* returnable to the next term of the circuit court in which judgment shall have been rendered; and may direct the said writ to operate as a *super vradias*, on the party applying for the same, entering into bond and security in the

Writ of error coram vobis.

clerks office to be approved by the judge granting the same, conditioned for prosecuting the said writ of error to effect, and pay and satisfy the judgment of the court.

Writ co-try the same at the return term, and in all cases of affirmance  
ram vobis judgment shall be rendered against the plaintiff in error, and his, her,  
to be tried or their security for the amount of the judgment which shall have  
at return been suspended together with five per cent damages, interest and  
term. costs.

Every judge may give an opinion. Sec. 10. *And be it further enacted*, That it shall be lawful for any Judge of the Supreme Court, who shall not have given an opinion in the case below, to set in the trial of the said cause in the Supreme Court

Damages on writs of error. Sec. 11. *And be it further enacted*, That whenever the judgment of a circuit court shall on an appeal or writ of error to the Supreme Court be affirmed ten per cent damages shall be allowed, and not more: *Provided*, That no damages shall be allowed in any cause in the Supreme Court unless the judgment of the court below shall have been suspended.

## An Act to raise a revenue for the support of government, for the year one thousand eight hundred and twenty one.

Land taxes. Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the lands liable to taxation in this state shall be taxed according to their value which value, shall be ascertained and returned upon the oath, or affirmation, as the case may be, of the owner or owners or persons liable to pay taxes for the same.

Land tax. Sec. 2. *And be it further enacted, by the authority aforesaid*, That the sum of sixteen cents for every hundred dollars value be paid on all lands within this State, which may have been cleared out of the land office, and to which a complete title has been obtained by the same. And the tax on all lands purchased of the United States, and liable to taxation, shall be proportioned to the number of instalments paid by the owner or owners on the first day of January next, preceding the time of making his, her, or their return of lands liable to taxation as aforesaid, namely, if one instalment only be paid to the government of the United States, four cents for every hundred dollars value: if two instalments, eight cents for every hundred dollars value. And in like proportion where three instalments shall have been paid.

Taxable objects. Sec. 3. *And be it further enacted*, That the sum of thirty cents be paid on every hundred dollars value of all lands, lots, or buildings within any city or town, to be estimated by the person giving in the same, upon oath. And thirty cents for every hundred dollars on the amount of merchandize sold within the year immediately preceding the first day of January, in each and every year, to be estimated by the owner, or in his absence by the principal clerk giving in the same on oath: for slaves of all ages under sixty years, fifty cents each: for all free male negroes, and mulattoes over twenty-one years, five dollars: for all free white males under the age of forty-five, and above the age of twenty-one years, one dollar each as a

Slaves. free people of color. Poll tax.

poll tax : \*for all pleasure carriages, two per centum, on every hundred dollars of their estimated value, to be ascertained by the oath of the party giving in the same to the assessor : for every horse kept exclusively for the saddle or pleasure carriage, one dollar : for every race horse, five dollars : for every public race tract, twenty dollars : for every stud horse or jack-ass, the amount for which said stud or jack may stand by the season : for every head of neat cattle, (oxen used in the yoke excepted) which may be owned by any one man, over and above twenty-five head, four cents : for every billiard table kept for play, two hundred dollars : for each licence granted to hawkers or pedlars, fifty dollars for each county in which they trade, to be paid to the clerk of the court at the time of taking out the same : on all goods sold at auction, other than those which are exempted by law, two per centum on the amount of sale : on every practising attorney, five dollars : on every practising physician, five dollars : for every gold watch kept for use, one dollar : for every silver or other watch kept for use, fifty cents : and for every clock kept for use, one dollar : for money loaned at interest, twenty-five cents for every hundred dollars : for every dirk, one dollar : for every sword cane, one dollar : for every pocket or side pistol, one dollar : for every dirk knife with a spring to prevent it from shutting, one dollar : and on the sale of every pack of playing cards, an additional tax of one dollar.

Pleasure Carriage.  
Horse for saddle or carriage.  
Race horse.  
Race tract.  
Stud and Jack.  
Cattle.  
Billiard tables.  
Pedlars.  
Auctions.  
Attornies.  
Physicians.  
Watches.  
Clocks.  
Money at interest.  
Dirks.  
Cards.

Sec. 4. *And be it further enacted*, That on every original writ, and subpoena in chancery, there shall be paid at the time of taking out the same, to the clerks of the circuit courts in each and every county, the sum of fifty cents, and on every writ of error and appeal one dollar : and it shall be the duty of the clerks aforesaid, respectively to make a return of the same, and pay over the money thus collected to the tax collectors of their respective counties, on or before the day on which the said tax collectors may be required to settle their accounts, with the Treasury of this State.

Sec. 5. *And be it further enacted*, That for every tavern license in any city or town, there shall be paid as tax twenty dollars : for keeping a house of public entertainment in any city or town without retailing spirituous liquors, ten dollars : on every retailer of spirituous liquors in any city or town, twenty-five dollars : on every retailer of spirituous liquors in the country, or on the road or highways, without keeping accommodations for man and horse, fifteen dollars : and on all houses of public entertainment on the roads and highways, retailing spirituous liquors, ten dollars, which tax shall be paid to the clerk issuing the license, and by him immediately to the tax collectors, and the clerk shall receive for his services the fees heretofore allowed for issuing licenses : and no county tax shall be paid on licenses except such as may be levied by the county court of such county.

Tax on tavern licenses and retailers.

Sec. 6. *And be it further enacted*, That on all shares of Bank stock in any bank in the state, held by any individual, partnership, or body corporate, there shall be levied and collected yearly a revenue at the rate of fifty cents on each share of one hundred dollars : *Provided nevertheless*, that if any bank in this state shall refuse to pay specie for their notes after the first day of July next, then and in that case, there shall be levied and collected an additional tax of fifty cents on each share held as aforesaid in any bank or banks so refusing to pay specie for their notes : And the President and Directors or Cashier, on making out their last dividend for each preceding year shall return the pay over

Bank stock taxable.

When to pay over

Penalty for  
failure.

said amount of taxes, and pay the same into the Treasury of this state and shall produce the Treasurer's receipt on or before the first day of January in every year, and on failure thereof, the President and Directors of said bank or any number of them in their individual capacity shall pay to the state two thousand dollars; and in case of any such failure, it shall be the duty of the Comptroller of Public Accounts to direct the Solicitor of the Circuit in which such defaulting bank or banks may be to proceed to the recovery of the same, on motion in the circuit court; the said Comptroller of Public Accounts giving notice in the Cahawba Press to the said defaulting bank or banks of such motion so to be made, and the certificate of said Comptroller shall be deemed and taken as full and sufficient evidence of such default or failure.

Lands and  
lots not re-  
turned how  
assessed

Sec. 7. *And be it further enacted,* That when the time shall have expired within which the lists of taxable property are to be received, it shall be the duty of the assessor of taxes to ascertain whether there be any lands or town lots within their respective counties sold under the authority of the United States previously to the first day of September, one thousand eight hundred and nineteen which have not been assessed: and in case any such be found, which have not been forfeited he shall assess the same according to the rule of assessment prescribed by law on town lots and lands for which a complete title has been obtained, and such lots or lands shall be double taxed.

Collectors  
to make  
distress.

Sec. 8. *And be it further enacted,* That the collectors of taxes in the several counties, shall at the time and in the manner prescribed by law make distress and sale of the goods and chattels, lands and tenements of all delinquents in making return of taxable property, or in payment of taxes; and in cases of taxes assessed in the manner directed in the preceding section, on lands or town lots to which a complete title has not been obtained and in which other property sufficient to satisfy the taxes due, together with all costs and charges accruing thereon, cannot be found, it is hereby expressly made the duty of the respective collectors of taxes to give notice by advertisement at the door of the courthouse of the proper county and at two other public places within the county, that on a certain day (which shall be at least thirty days after the date of such advertisements) he shall at the court house of his county, offer for rent the town lot or lots or so much of the land, (as the case may be) and for such term as may be necessary to satisfy the taxes due and costs and charges thereon, and he shall accordingly offer for rent to the highest bidder until the first of January succeeding the January immediately ensuing; the town lot or lots or such portion of the lands (as the case may be) as he may designate beginning in the case of lands with ten acres, or with as much less than ten acres as may be necessary to pay said tax and costs, or by adding ten thereto as often as may be necessary to obtain by such rent a sufficient sum to satisfy the taxes and costs: and in case the town lot or lots, or lands cannot be rented for a sufficient sum on the terms aforesaid they shall be offered for two years from the first of January immediately ensuing or until a complete title to the same shall be produced or the same shall be forfeited to the United States: *Provided,* that the production of a complete title shall in every case aforesaid entitle the owner to the possession of the premises, upon reimbursing the amount paid for taxes, and the charges thereon to the party by whom such payment has been made and saving to the occupant the crop which may be on the premises: and should the rent in any case exceed the amount of taxes and

charges, the rightful owner of the town lot, or lots or lands (as the case may be,) shall be entitled to receive the overplus.

Sec. 9. *And be it further enacted,* That the collectors of taxes respectively, shall by an instrument of writing, convey to the party renting the premises, as aforesaid, the use thereof for and during the time for which they were rented, <sup>Collectors to execute transfers.</sup> and shall in addition to the compensation allowed by law be entitled to receive two dollars for executing every such instrument of writing; and such instrument conveying the use of the premises as aforesaid, shall be good and sufficient both in law and equity: *Provided,* that whenever the tax collector shall find the tenant in possession who may refuse to pay the tax or render possession of the premises which may be thus taxed and unpaid, he shall have full power to proceed instantly in the same manner <sup>as is or may be authorized</sup> in case of forcible entry and detainer; and the refusal of the tenant in possession to render peaceable possession of the premises on demand shall be considered as evidence of forcible detainer.

Sec. 10. *And be it further enacted,* That every person who shall exhibit or cause to be exhibited for hire or emolument any museum, wax works, paintings, representations, feats of activity, sleights of hand or plays, shall first obtain from the clerk of the county court of the county where the same may be exhibited a license authorizing the same, for which the party applying shall pay to the clerk twenty dollars together with one dollar as a fee to the clerk for issuing the same, and the clerk shall account for the said tax in the same manner as he is required to account for taxes collected on retail and tavern licences---and every person who shall exhibit as aforesaid without first obtaining such license shall forfeit and pay the sum of fifty dollars, to be recovered before any Justice of the Peace at the suit of said clerk, or any other person in the name of the clerk, which sum so recovered shall be paid over as aforesaid after deducting therefrom ten dollars for the use of the person who may sue as aforesaid. <sup>Tax of shows  
Penalty & exhibition without licence.</sup>

Sec. 11. *And be it further enacted,* That stud horses, and jack asses shall be taxed from and after the first day of April; and the assessor shall take the lists of those articles in relation to that day instead of the first day of January; and it shall be the duty of the collectors of the revenue to collect the tax on all jack-asses and stud horses which have stood the season in their respective counties whether they have been listed with the assessor or not, and account for the receipts as other taxes. <sup>Stud horses and Asses</sup> [Approved December 20, 1820.]

## An Act to incorporate the Cahawba Navigation Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Edwin D. King, Joel L. Jones, James L. Baird, Thoms Read, John Durdan, and Temple Lea, and such persons as shall be associated with them, are hereby declared a body corporate, under the name and style of the Cahawba Navigation Company, who shall be authorized to receive subscriptions and donations, and apply the same in such manner as they shall direct to the improvement of the navigation of Cahawba river, from the town of Cahawba to the falls of the river of the same name. <sup>Commissioners.  
Receiv donation how applied</sup>

*Sec. 2. And be it further enacted, That if any person or persons, shall cut or fall a tree into said river, and shall not immediately remove the same, or shall otherwise obstruct the navigation of the said river, shall, for every such offence, forfeit and pay the sum of five dollars for every day the same is thus obstructed, to be recovered before any court having jurisdiction of the same, in the name of said company, and to be applied to the improvement of the navigation of said river; Provided nevertheless, that nothing in this act shall be construed so as to prevent the State of Alabama, from making any improvement in the navigation of the same in any manner, and at any time it may think proper; And provided also, that nothing contained in this act shall be so construed as to prevent any other company from improving the navigation of said river from the mouth, to the falls of the same. [Approved December 7, 1820.]*

### **An Act to amend an act, passed at St. Stephens, the 13th of February, 1818, to establish the Tombeckbee Bank.**

*Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That so much of the act to incorporate the President, Directors and Company of the Tombeckbee Bank, as declares that no person shall be eligible as a Director of said Bank, for more than three years in succession, be and the same is hereby repealed. [Approved, Dec. 7, 1820.]*

### **An Act supplementary to the laws now in force, concerning Wills, Intestates, and Guardians.**

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That from and after the passage of this act, whenever any person or persons die intestate, and leaving an estate, not involved in debt so as to enforce a sale of any part of his or her estate real or personal: it shall be the duty of the chief justice of the county court or presiding magistrate, within three months after such estate is represented, by the administrators or administratrix to be solvent, to appoint five commissioners, who, or a majority of them, within six months after their appointment, being first duly sworn to make division and distribution of such estate, (reserving to the widow her dower in all cases) among the legatees or other legal representatives of the deceased: and such division and distribution shall be reduced to writing and signed by said commissioners, and certified by the Justices of the Peace, or other magistrate, before whom said commissioners are sworn, and returned to the office of the clerk of the county courts, or such other office as may be prescribed by law for that purpose, whose duty it shall be to record the same as now required by law in cases of inventories: Provided always, that when such division, and distribution cannot be equitably effected, without manifest injury to the legatees, or other legal representatives, then and in that case such estate shall be exposed to public sale as heretofore.*

*[Approved, Dec. 20, 1820.]*

**An Act, to amend an act to provide for leasing for a limited time, the lands reserved by the Congress of the United States, for the support of Schools within each township of this State, for a Seminary of Learning, and for other purposes,**

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the agents of the school lands within each township in this State, shall have power to lease the same for any term not exceeding six years. Six years lease authorized.

Sec. 2. *And be it further enacted,* That all white male persons over the age of twenty-one years, who may reside in each township, at the time of the election of the agents, shall be deemed qualified electors, any law to the contrary notwithstanding. Qualified electors. [Approved Dec. 20, 1820.]

**An Act, to amend an act to regulate elections, establish certain precincts in the counties therein named, and for other purposes, passed on the 16th of December, 1819.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all elections hereafter to be holden in this state for Governor, members to Congress, members of the General Assembly, Sheriffs and Clerks, that the polls shall be kept open but one day for receiving votes at the different places of holding courts in each county only, as well as at the different precincts. Polls be open one day only

Sec. 2. *And be it further enacted,* That the polls shall be kept open at the elections to be held at the different places of holding courts in each county till the hour of five o'clock in the afternoon of said day. hour of closing poll. [Approved December 4, 1820.]

**An Act to authorise the Governor to dispose of the Public Arms of this State.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor of the State of Alabama, or the person exercising the powers of Governor be, and he is hereby authorised to order the Quarter-master General to cause to be transported to any point in this State, any number of public arms which he may deem necessary, when he shall have reason to believe that there is danger of insurrection, or invasion, or that the public good requires such transportation. How transported.

Section 2. *Be it further enacted,* That when any arms are transmitted pursuant to the provisions of this act, the commandant of the regiment, to which the arms may be sent, shall execute his receipt to the Governor of the State, for the number he may receive, and he shall be responsible for the safe keeping, and return of the same whenever he may be required. To who transported.

Sec. 3. *And be it further enacted,* That the Quarter Master General be, and he is hereby required to cause to be conveyed upon receiving the Governor's order forthwith the number of arms to the place specified in such order.

Section 4. *Be it further enacted,* That this act shall be in force from and after the passing thereof. Act when to take effect. [Approved. December 7, 1820.]

## **An Act to authorise the Judges of the Circuit Courts and Justices of the County Courts, to take the acknowledgments of deeds and relinquishments of dower.**

Whereas doubts have arisen whether the law of the Alabama Territory, authorising Justices of the quorum, to take the acknowledgments of deeds and relinquishments of dower, extends the right to the justices of the county courts.

*Judges and Justices of the county court authorized to take acknowledgments of deeds, &c.*  
 Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Judges of the Circuit Courts, and Justices of the county courts respectively, may, and they are hereby authorised to take acknowledgments of deeds and relinquishments of dower, in the same manner that justices of the quorum were authorized to do under the laws of the Alabama Territory.

*acknowledgments, heretofore made, legalized.*  
 Section 2. *And be it further enacted,* That all acknowledgments of deeds and relinquishments of dower, which have been heretofore made before Judges of the Circuit Courts, or Justices of the County Courts, respectively, are hereby legalized and made valid, to all intents and purposes whatever. *[Approved, Dec. 20, 1820.]*

## **An Act to legalize Registering certain deeds or conveyances of land in this State.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That any person or persons, within this State, who have had deeds or conveyances of land executed to them, and have failed to have the same Registered within the time prescribed by law, that it shall be lawful for the said delinquents, within twelve months after the passage of this act, to have the same registered in the manner the law prescribes: and a duly certified copy thereof shall be valid, and read in evidence in any court of law or equity in this State, any law to the contrary notwithstanding. *[Approved, December 20, 1820.]*

## **An Act to amend an act, passed at Huntsville, on the sixteenth day of December, 1819, entitled "An act, to alter and amend the laws regulating the admission and practice of Counsellors and Attornies at Law."**

*Grant licences to persons who have resided as dges.*  
 Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, when any person shall make application for a licence to practice, and it shall be known to the Judges of the Supreme Court, that he has presided as a Circuit Judge in this State, or the Mississippi Territory, it shall be the duty of said Court, to grant to him a licence without examination, any law to the contrary notwithstanding.

Section 2. *Be it further enacted,* That all laws or parts of laws repugnant to the provisions of this act be, and the same are hereby repealed. *[Approved, November 24, 1820.]*

An Act authorising and requiring the Keepers of the several goals in this State, to receive and keep persons committed under the authority of the United States.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the common goals in the several counties, in addition to the purposes for which they are now used, shall be goals for receiving and safe keeping such prisoners as shall be committed to the same, by virtue of any process to be issued under the authority of the United States, until they shall be discharged by due course of law. Keepers shall receive prisoners

Sec. 2. *And be it further enacted,* That the keepers of the said goals, respectively, are hereby required to receive the said prisoners under the like pains, and penalties for neglect of duty therein, as they now are by law in the case of prisoners committed under the authority of this state; agreeably to a resolution adopted by the Congress of the United States, September twenty third, seventeen hundred and eighty nine. Penalty for refusing

[Approved Nov. 30th, 1820.]

An Act to provide for the Public Printing and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be a State Printer elected annually by joint vote of both houses of the General Assembly, who shall receive a salary of fifteen hundred dollars for his services: and before he enters on the duties of his office, shall give bond with security to the Governor for the time being, or his successors in office, in the sum of four thousand dollars, for the faithful performance of his duty. State Printer elected Give bond Penalty

Sec. 2. *Be it enacted,* That it shall be the duty of the Printer for the state, to print and publish not more than twenty two hundred, or less than fifteen hundred copies of the acts and resolutions of each session of the General Assembly, and not more than one thousand or less than seven hundred copies of the journals of each house, as may be directed by resolution of the General Assembly. And it shall be the duty of the State Printer to print all blanks necessary in the Executive, the Secretary of State, Comptroller and Treasurer's office; to print and publish all proclamations, notices and advertisements, from the offices aforesaid; and to print all messages from the Governor, reports of the Comptroller, and Treasurer, and such bills and other matters as may be necessary for the use of the General Assembly. Number Copies of the Laws Journal to be printed Banks to be printed

Sec. 3. *Be it enacted,* That the acts and resolutions of the General Assembly shall be printed with type of the denomination of Small Pica; the marginal notes thereunto affixed with *Italic*, and the captions thereof in *Italic* of the same metal of small pica, and the Journals of each House with Small Pica, and published as hereinafter directed. Denomination of type

Sec. 4. *Be it enacted,* That the secretary of state shall within ten days after the approval of each and every act, or resolution of the General Assembly, deliver to the Printer for the state, a fair copy thereof, affixing thereunto proper marginal notes stating the purport of each paragraph or section, and make a concise and complete index of such laws which shall be attached to, included in, and published with each pamphlet containing the acts and resolutions of the General Assembly. Acts & resolutions to be copied Index

*Enacted* And it shall be the duty of the secretary of state, to collate with and correct by the original rolls the proof sheets of the printed copies of said acts and resolutions respectively, and certify the same to be copied from, and collated with the original rolls deposited in his office : And shall in like manner compare with and correct by the originals deposited in his office the proof sheets of the printed copies of the journals of each house.

*Time allowed for printing acts* Sec. 5. *Be it enacted*, That within thirty days after the end of each and every session of the General Assembly the printer for the state shall deliver to the secretary of state, the number of copies of acts and resolutions directed to be printed, collected and substantially stitched together in one pamphlet, with such numbers of said copies with blue board covers, as may be necessary for an interchange of laws with our sister states, as is hereinafter provided for. And the printer for the state shall within forty days after the completion and delivery of the acts aforesaid, in like manner deliver to the secretary of state the number of copies of the journals of each house directed to be printed, collected and stitched together, the Journals of each house in one pamphlet.

*Acts and resolutions how distributed.* Sec. 6. *Be it enacted*, That it shall be the duty of the secretary of state, after retaining for the use of the executive office, and the two branches of the General Assembly fifty copies of the acts, and resolutions of each session, shall cause to be transmitted to the secretary of state of the United States four copies ; and to the executive officers of the several states each with a request that they send to the executive of this state in exchange as many copies of their laws or session acts. And shall cause the residue to be distributed in the following manner : that is to say, to the Comptroller of public accounts one copy, one copy thereof to the Treasurer for the state, one to each of the Judges of the Circuit Court and Supreme Court, one to the Attorney General, one to the Adjutant General, one to the Quarter Master General, one to each Solicitor, and to the Clerks of the Circuit Courts of the several counties in the state in proportion to the population of each county, agreeably to the enumeration last before made ; and the clerks of the several counties shall upon the receipt of said pamphlets distribute the same in the manner following, to wit, to each member of the General Assembly from the county one copy, and to each and every civil officer one copy. And it shall be the duty of the secretary of state, after retaining for the use of the executive office and both branches of the General Assembly fifty copies of the journals of each house to cause the residue to be distributed to the several officers of the state hereinbefore mentioned, one copy each, one thereof to the secretary of senate, one thereof to the clerk of the house of representatives, and to the clerks of the circuit courts in the several counties in proportion to the population of each. And the clerks of the counties respectively on receipt of such pamphlets shall distribute the same as follows, to wit, to each member of the General Assembly from the county one copy, and to each justice of the county court and of the peace one copy.

*Journals how distributed.* Sec. 7. *And be it enacted*, That the expenses incurred in the distribution and transmission of the acts and journals aforesaid shall be paid out of the contingent fund on the order of the Governor, drawn on certificate of the secretary of state.

Sec. 8. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act be and the same are hereby repealed.

[Approved Nov. 30th, 1820.]

**An Act, to amend an act, entitled an act for the government of the town of Cahawba, passed at Huntsville, December 3d, 1819.**

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act a majority of the town Council of Cahawba, shall have authority and be empowered to transact business, and that so much of the fifth section of the act entitled an act for the government of the town of Cahawba, passed at Huntsville, December third, eighteen hundred and nineteen as requires a greater number, be and the same is hereby repealed. Majority to do business

Sec. 2. *And be it further enacted,* That the power and authority of the Intendant and each and every of the Council to act as Justices within the limits of the town of Cahawba, shall be restricted to the enforcing the bye-laws and ordinances, which may be passed conformably to this act, and the act to which this is an amendment. in addition to Justice of the Peace

Sec. 3. *And be it further enacted,* That the Intendant and town Council of Cahawba shall have full power and authority to appoint Patrols in said town, and to define their duties. Appointed Patrols

[Approved Dec. 18th, 1820.]

**An Act to provide for the appointment of Electors of President and Vice President of the United States.**

WHEREAS by the second section of the second article of the Constitution it is provided, "that each state shall appoint in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the state may be entitled in Congress," to vote for persons to fill the offices of President and Vice President of the United States. Therefore

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That on the twenty fifth of the present month there shall be appointed three electors by the joint vote of both branches of the legislature convened in the Representative Hall for that purpose, who shall be deemed authorised to vote for President and Vice President of the United States for the next presidential term, commencing on the fourth day of March eighteen hundred and twenty one. How appointed

Sec. 2. *And be it further enacted,* That the said Electors appointed as aforesaid shall after their appointment meet in the state-house in the town of Cahawba, and there proceed to the elections aforesaid. When to vote

[Approved November 25th, 1820.]

**An Act authorizing the Governor, or person exercising that office, to remit any part of any fine, forfeiture or sentence of imprisonment.**

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor or the person exercising that office, shall have power to grant pardons, and reprieves in all cases of capital offences, treason excepted, in

which case he may respite the execution until the end of the next General Assembly, in all cases of fines, immercements, and imprisonments, levied, assessed or sentenced for inferior offences, except that for assault and battery, with the intent to kill and murder, and assault and battery with intent to commit a rape, he may remit any part thereof, but in the cases herein excepted, he shall only have power to respite or suspend the execution thereof, until the next meeting of the General Assembly.

[Approved, December 21, 1820.]

**An Act to amend an act, entitled "An act, to establish a Bank in the town of Mobile," passed at St. Stephens, the 20th November, 1818.**

*delinquent ineligible director or voter.*  
 Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, any person or persons, bodies politic or corporate, owning stock in said bank, on failing to pay any part of any sum subscribed to the capital stock, shall in addition to the forfeiture contained in the twelfth section of the act, to which this is a supplement, be ineligible as a director of said Bank, and shall not be entitled to vote for directors of said Bank, during the continuance of his, her or their delinquency.

*two thirds pass bye-law*  
 Sec. 2. *Be it further enacted,* That two thirds of the directors of said bank shall have full power and authority to pass a bye-law at any time when the same shall be deemed necessary to authorise any three or more of the directors to transact the business of said bank whose acts as such shall be as valid as if a full board of directors were present at the doing thereof; and that the two thirds passing said bye-law shall be liable for all acts done by the aforesaid three or more directors as if they were personally present.

[Approved Dec. 11, 1820.]

**An Act to incorporate the subscribers to the Bank of the State of Alabama.**

*Bank established at Cahawba restorable.*  
 Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That a Bank of the State of Alabama shall be established, the capital stock of which shall not exceed two millions of dollars, divided into twenty thousand shares, of one hundred dollars each, one half of which stock shall be reserved to the State, said Bank to be at the Town of Cahawba, subject however to be removed from that place, whenever the seat of government shall be changed, and in that event the Bank may be removed to the place at which the seat of government shall be established.

*five hundred thousand shares at Cahawba*  
 Sec. 2. *And be it further enacted,* That subscriptions for the sum of five hundred thousand dollars towards constituting the capital of said Bank, shall be opened on the first Monday in May next: at Cahawba, for the sum of one thousand and fifty shares, under the superintendence of John Taylor, (late of Pendleton,) Anderson Crenshaw, Henry Hitchcock, Edmund Lane, and John Scott. At Huntsville, for the sum of one thousand and fifty shares, under the superintendence of John M'Kinley, Lemuel Mead, Nicholas Hobson, Frederick James, and Stephen S. Ewing. At Claiborne, for the sum of seven hundred shares, under the superintendence of James H. Draughan, John Watkins, John Gayle, Thomas Wiggins, and James Dillet, junior. At

Courtland, for the subscription of three hundred shares, under the superintendence of William Booth, John F. Hickman, John Mosely, Anthony Winston, and Theophilus W. Cockburn. At the town of Blakeley for two hundred shares, under the superintendence of James W. Peters, Francis B. Stockton, Lewis Marchand, Benjamin Jones Randall, and James L. Seabury. At Demopolis, for two hundred shares under the superintendence of Pitkin Barnes, Allen Glover, George S. Gaines, and Charles L. Desnouette. At Tuskalooza, for the sum of five hundred shares, under the superintendence of Benjamin Cox, Levin Powell, Gilbert Saltonstall, John M. Jenkins, and John Owen. At St. Stephens, for the sum of five hundred shares, under the superintendence of Israel Pickens, Thomas Malone, William Crawford, Jack F. Ross, and George Buckhannon. At Mobile, for the sum of two hundred and fifty shares, under the superintendence of Lewis Judson, Addison Lewis, William H. Robertson, Archibald Gordon, and Francis W. Armstrong. At Montgomery, for the sum of two hundred and fifty shares, under the superintendence of John D. Bibb, John Goldthwait, Nimrod E. Benson, Clement Freney, John Edmondson, and a majority of said superintendants, at the places above mentioned, respectively, shall be sufficient to perform the duties of their appointment, and they shall keep the subscription open for the term of forty days, Sundays excepted, unless the subscription shall be sooner filled, when the same shall be closed; and no person, partnership, or body politic, shall be permitted by person or attorney to subscribe for more than twenty shares in one day, during the first thirty days that the said subscription shall be open. The amount of the share or shares subscribed for, shall be paid by the several and respective subscribers, in gold or silver; one fourth thereof at the time of subscribing, one eighth within sixty days thereafter, one twentieth, one hundred and fifty days thereafter, and the remainder of the subscription, shall be paid at such times as shall be determined by the superintendants.

Sec. 3. And be it further enacted, That immediately after the superintendants appointed at Huntsville, Claiborne, Courtland, Blakeley, Demopolis, Tuskalooza, St. Stephens, Mobile and Montgomery, shall have closed their subscriptions, they shall respectively transmit, and deliver to the superintendants at Cahawba a list of the several subscribers at such places respectively, and of the share, or shares to each, and every subscriber belonging; and on the receipt of the said subscriptions, the superintendants at Cahawba, or a majority of them shall immediately thereafter convene and proceed to take an account of the said subscriptions, and in case the aggregate amount of said subscriptions made during the period aforesaid, at the places aforesaid, shall amount to five hundred thousand dollars, the subscriptions to complete said sum, shall be and remain open at Cahawba, aforesaid, under the direction of the superintendants appointed for that place, and the subscriptions may be there made, by any individual or body politic, for any number of shares not exceeding one share, until the whole sum required to complete the said sum of five hundred thousand dollars.

Sec. 4. And be it further enacted, That the superintendants respectively, shall deposit the gold and silver coin by them respectively received as aforesaid, from the subscribers, to the capital of said Bank, in some place of secure and safe keeping, so that the same may, and shall be specifically delivered and transferred, as the same were by them respectively received, to the President, Directors and Company of the

Blakeley

Demopolis.

Tuskalooza

St. Stephens.

Mobile

Montgomery

Subscription for shares limited the shares subscribed for how paid in

superintendants to make return of subscriptions

Stock paid to be deposited for safe keeping

Bank of the State of Alabama, or their order, as soon as shall be required after the organization of said Bank; and the superintendents appointed at Huntsville, Claiborne, Courtland, Blakeley, Demopolis, Tuscaloosa, Mobile, St. Stephens, and Montgomery, shall respectively, immediately after each payment shall become due by the subscribers, according to the provisions of the third section of this act, notify the superintendents appointed at Cahawba, of the amount of gold and silver actually received by them on account of such payment; and the said superintendents of the subscriptions to the capital of the said Bank as aforesaid, shall receive a reasonable compensation for their services respectively, and shall be allowed all reasonable charges and expenses incurred in the execution of their trust, to be paid by the President, Directors and Company of the Bank, out of the funds thereof.

Superintendents compensation

Corporate powers

Sec. 5. *And be it further enacted*, That the subscribers to the said Bank, their successors and assigns, shall be, and are hereby created a corporation and body politic, by the name and style of the President, Directors and Company of the Bank of the State of Alabama, and shall so continue until the first day of January one thousand eight hundred and thirty-five, and by that name shall be, and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to them, and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature and quality to an amount not exceeding in the whole four millions of dollars, including the amount of capital stock aforesaid. And the same to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any suit, action, matter or thing, in any court either of law or equity, or any other place whatsoever, and also to make, have and use a common seal, and the same to break alter and renew at their pleasure. And also to ordain, establish, and put in execution such bye-laws, ordinances and regulations as they shall deem necessary and convenient for the government of said corporation, not being contrary to the constitution or laws of this State, or of the United States; and generally to do and execute all and singular, the acts, matters and things, which to them may appear necessary, or which to them it shall or may appertain to do, as incident to bodies corporate, subject nevertheless, in addition to the restrictions in the constitution, to the rules, regulations, restrictions, limitations and provisions hereinafter prescribed and declared.

President and Directors how appointed

Sec. 6. *And be it further enacted*, That for the management of the affairs of the said corporation, there shall be thirteen Directors, six of whom, together with the President, shall be annually elected by joint vote of both houses of the General Assembly, and the remainder shall be annually elected at the banking house in Cahawba, on the third Monday of November in each year, by the individual stockholders of the capital of the said Bank, and by a plurality of votes then and there actually given according to the scale of voting hereinafter prescribed. And the thirteen Directors so duly elected, shall be capable of serving by virtue of such elections for and during the term of one year, from and after the date of such election respectively: *Provided* that the first election of Directors, shall not be included in the before mentioned general regulations; and provided also, that in case it should at any time happen, that an election of Directors or an election of the President of said Bank should not be made, as to take effect on any day when in pursuance of this act, they ought to take effect, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful at

any other time to hold such elections; and the manner of holding such elections, shall be regulated by the laws and ordinances of the said corporation, and until such election be held the President and Directors of said Bank for the time being, shall continue in office; and provided also, that in case of the death, resignation or removal of the President, of the said corporation or of his absence from the State for more than six months, the Directors shall proceed to elect another President from the Directors as aforesaid; and in case of the death, resignation or removal from office or absence of a Director the vacancy may be supplied by a majority of the board.

Vacancy filled

Sec. 7. *And be it further enacted,* That as soon as one hundred thousand dollars shall be actually paid in gold or silver coin, to the superintendants of the subscriptions, the said superintendants of the said subscriptions at Cahawba, shall give notice of the same in all the newspapers printed in the State, and the said superintendants shall at the same time, and in like manner, notify a time and place, in said town of Cahawba; at the distance of at least forty days from the time of such notification, for the proceeding to the election of the Directors aforesaid, except those to which the State may be entitled, and the Directors thus elected shall be the first Directors of said Bank, and shall proceed to elect one of the Directors, President of said Bank, and the Directors and President of the said Bank so elected shall be capable of serving in their respective offices until others shall be elected by the State and stockholders according to the provisions of this act; and they shall then and thenceforth commence and continue the operations of the said Bank at Cahawba.

First election of the directors

Sec. 8. *And be it further enacted,* That the Directors for the time being, shall have power to appoint a Cashier, and such officers, clerks and servants under them as shall be necessary for executing the business of the said Corporation, and to allow them such compensation as shall be prescribed, fixed and determined by the bye-laws, regulations and ordinances of the same.

Directors to appoint officers

Sec. 9. *And be it further enacted,* That the following rules, regulations, limitations and provisions shall form the fundamental articles of the constitution of the said Corporation, to wit: 1st. The number of votes to which the Stockholders shall be entitled in voting for Directors, shall be according to the number of shares he, she or they hold in the proportions following, that is to say, two shares, above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, copartnership, or body politic shall be entitled in his or their own right, or as proxy, to a greater number than thirty votes; and after the first election no share or shares shall confer a right of suffrage which shall not have been holden two calendar months previous to the day of election, all stockholders may vote in elections or on any other question touching the Bank by proxy; *Provided,* the proxy be derived directly from such stockholders, and voted on by a person being a citizen of the State of Alabama.

Articles of constitution  
Votes for Directors

Stockholders may vote by proxy

2d. No preference shall be given to any stockholders in loans or discount on account of his stock. 3d. None but a stockholder, a resident, citizen of this state shall be a Director, nor shall any Director be entitled to any emoluments, nor shall any Director be permitted either directly or indirectly to have a discount or discounts amounting

Quorum.

to more than five thousand dollars, at any one time ; but it shall be lawful for the President to receive such compensation as the stockholders shall at general meeting assign to him. 4th, Not less than seven Directors shall constitute a board for the transacting of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case his absence shall be supplied by any other Director whom he by writing shall nominate for the purpose, and in the event of the death of the President or his failing to make such nomination, the Directors for the time being, shall have power to appoint

Stockholders may call a meeting.

a President pro tempore. 5th, A number of stockholders, not less than twenty, who together shall be proprietors of sixty shares or upwards, shall have power at any time to call a general meeting of the stock holders for purposes relative to the institution, giving at least six weeks notice in the newspapers in the town of Cahawba, and specifying in such notice the object or objects of such meeting. 6th, Every

Cashier to give bond.

Cashier, before he enters on the duties of his office, shall be required to give bond with two or more securities to the Directors in a sum not less than fifty thousand dollars, with conditions for his good behaviour.

Corporation restricted in holding property.

7th, The lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall only be such as shall be requisite for its immediate accommodation in relation to the convenient transacting of business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Amount of notes issued limited.

8th, The total amount of notes emitted or thrown into circulation by said corporation, together with their debts of every description, shall not at any time exceed three times the amount of the capital stock of said Bank actually paid therein, unless the contracting of any greater debt, shall have been previously authorised by a law of the State ; in cases of excess, the Directors under whose administration it shall happen, shall be liable for the same in their natural private capacities, and an action of debt may in such case be brought against them or any of them, or their heirs, executors, or administrators, in any court of record, by any creditor or creditors of said corporation, and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding, but this shall not be construed to exempt the said corporation or the lands, tenements, goods or chattels of the same, from being also liable for, and chargeable with the said excess. Such of the said Directors who may have been absent, when the said excess was contracted or created, or who may have dissented from the resolution or act, whereby the same was contracted or created, may respectively exonerate themselves from being so

Proceedings in case of excess.

liable, by forthwith giving notice in writing of the fact, and their absence or dissent to the executive department of the State, to be recorded in the office of that department, and to be communicated by the Governor to the Legislature at their next meeting, and by forthwith giving such notice to the stockholders at a general meeting, which they shall have power to call for that purpose. 9th The said

Corporation not to hold public stock.

corporation shall not be at liberty to purchase any public stock whatever, except their own Bank stock : Provided, the number of shares they purchase in, shall be sold out at par or above it as the case may be, whenever opportunity offers to do so with convenience, nor shall the corporation directly or indirectly deal in or trade in any thing, except bills of exchange, gold or silver, and promissory notes made payable in

said Bank, or any of its branches, or in the sale of goods really and truly pledged for money lent, upon notes actually discounted in said Bank, and not redeemed in due time, or in goods which shall be the produce of its lands; neither shall the said corporation take more than at the rate of six per centum, per annum for or on account of its loans or discounts. 10th, No loan shall be made by the said corporation to any government or State, to any amount whatsoever, unless previously authorised by law of this State. 11th, The stock of the said corporation shall be assignable and transferable according to such rules and regulations as shall be prescribed by the laws and ordinances of the same. 12th, The bills obligatory and of credit under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons and of his, her, or their assignee or assignees, so as absolutely to transfer and vest the property in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their name or names; and bills or notes which may be issued by order of said corporation, signed by the President and countersigned by the principal cashier thereof, promising the payment of money to any persons or persons, his, her or their order, or to the bearer, though not under the seal of said corporation, shall be binding and obligatory upon the same in like manner, and with the like force and effect as upon any private person or persons if issued by him or them, in his, her, or their private or natural capacities, and shall be assignable and negotiable in like manner, as if they were so issued by such private persons that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in the like manner, and with the like effect as bills of exchange now are; and those which are payable to the bearer shall be negotiable at the said Bank, and shall be, and they are hereby placed on the same footing as bills of exchange, so that the like remedy may be had for the recovery thereof, against the drawer or drawers, endorser or endorsers, and with the like effect except so far as relates to damages, any law to the contrary notwithstanding; *Provided*, that all bills or notes issued by said Bank shall be made payable at said Bank, and not at any of its branches. 13th, Half yearly dividends shall be made of so much of the profits of the Bank, as shall appear to the Directors advisable, and once in every year, at a meeting to be held for the choice of Directors, those of the preceding year shall lay before the stockholders for their information, an exact and particular statement of the general accounts and state of the corporation, if there shall be a failure in the payment of any instalment, the party failing shall lose the benefit of any dividend which may accrue during the delay of the same. It shall be lawful for the General Assembly to establish branches of said Bank, according to the provisions of the constitution; and whenever a branch of said Bank shall be established, not more than thirteen, nor less than seven Directors or managers shall be annually appointed by the Directors of the mother Bank to serve one year, they shall choose a President from their own number, and each of them shall be chosen of this State. 14th, The Legislature shall be furnished annually within the first week of the Session, statements of the amount of capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash on hand, and shall have a right to inspect such general accounts in the books of the

Per cent.  
on discount

Loans to  
government  
prohibited.

Stock  
transferable.

Bills of  
Corporation  
negotiable

Bills payable to bearer or negotiable at Bank

On same footing as bills of exchange.

Bills of State Bank only payable at said Bank.

Semi-annual dividends.

Failure in paying instalments shall forfeit benefit of dividend.

Gen. Ass. may establish branches.

Branch Directors to be appointed and qualified.

Annual statement to be made to Gen. Ass'y

Bank, as shall relate to the said statement. 16th, The Directors shall keep full and regular entries in a book, to be provided for that purpose, of the proceedings, and on any question when two of the Directors shall require it, the ayes and noes of the Directors voting shall be duly entered on their minutes, and those minutes be at all times on demand produced to the stockholders, when at a general meeting, or to the Legislature, or to any committee, who shall be authorised thereby to require the same. 16th, No President or Cashier of the Bank, shall directly or indirectly concerned in the purchase or sale of any of the public stock or funds, under the penalty of ten thousand dollars, to be forfeited one half thereof to the use of the State, and the other to the use of the informer. 17th, A fair and correct list of the stockholders shall be hung up at least one month before any election of Directors in the common Hall of the said Bank, to the end, that public information may be given to the parties of those co-proprietors and stock holders.

Sec. 10. And be it further enacted, That if the said corporation shall deal or trade in buying or selling any goods, wares, merchandise or commodities whatever, contrary to the provisions of this act, all and every person or persons, being a member, or members of said corporation, who shall have given any order or direction for so dealing or trading, and all and every person or persons, being a member, or members as aforesaid, who shall have been concerned as parties therein, shall forfeit and loose treble value, of the goods, wares or commodities in which such dealing shall have been made, one half thereof to the use of the informer, and the other half thereof to the use of the State, to be recovered with costs of suit.

Sec. 11. And be it further enacted, That the said President and Directors shall not in any case issue any notes for a smaller sum than one dollar.

Sec. 12. And be it further enacted, That no note shall be negotiable at the said Bank, unless it be so expressed on the face of the note.

Sec. 13. And be it further enacted, That the stockholders shall be liable for all notes issued or debts owing by said Bank in their individual characters, to the amount of their stock therein respectively.

Sec. 14. And be it further enacted, That if any person or persons shall be indebted to said corporation, as maker or endorser of any note, bill or bond, expressly made negotiable and payable at said Bank, and shall delay payment thereof, it shall be lawful for the President of the Bank or of any branch as the case may require, after having given thirty days notice thereof, to move the circuit court of the county where said Bank is established; or of the county where the branch may be, as the case may require, on producing to said court before whom the motion is made, the certificate of the President of the Bank, or of the Branch, (as the case may be) that the debt is really and bona fide the property of the Bank, for judgment.

Sec. 15. And be it further enacted, That the bills, or notes of said corporation, originally made payable, or which shall have become payable on demand, in gold or silver coin, shall be receivable, in all payments to the State of Alabama; and the public monies shall be therein deposited; whenever lying inactive so long as said Bank continues to pay specie for its notes.

Sec. 16. And be it further enacted, That the State shall be, and hereby is vested with full power and authority to purchase all the shares or stock owned by any individual, body corporate, or co-partnership, after

ten years, from the time at which the Bank shall have gone into operation. And should the State make such purchase, it shall give the value and selling price at which such stock may be worth at the time of such purchase; but in no case shall give more than twelve and one half per centum above par; and in the event of the State making such purchase, it shall be the duty of the several stock holders to transfer and assign over all stock owned by them.

Sec. 17. *And be it further enacted;* That the State shall have the right, at all times hereafter, of making such alterations, and amendments to this act, as may be deemed essential to the proper government and well being of said Bank. Gen. A  
society  
amend U  
act

Sec. 18. *And be it further enacted,* That this act shall commence and be in force from and after the passage thereof.

[Approved, Dec. 21, 1820.]

## An Act to reduce into one, the several acts concerning Strays.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That every person who shall take up a stray which shall be found on his plantation or land, shall forthwith give information thereof to some Justice of the Peace for the county, and make oath before such Justice, that the same was taken up at his or her plantation or place of residence or his or her land adjoining the same, and that the marks or brands have not been defaced or altered since the taking up: and thereupon the said Justice shall issue his summons to two disinterested householders of the neighborhood, commanding them, after being duly sworn, to value and appraise the same without partiality, favor or affection, and certify the valuation under their hands, together with a particular description of the kind marks, brands, stature, color, and age, which certificate shall be attested by the Justice and transmitted by him to the clerk of the County Court within ten days thereafter, to be by such clerk entered in a book to be kept for that purpose, for which the Justice and clerk shall each receive fifty cents, to be paid by the taker up: *Provided,* that if two or more strays of the same species are taken up by the same person, at the same time they shall be included in the same entry, and one advertisement, and the Justice and the clerk shall receive no more fees than for one of such strays. Stray,  
now tak  
up.  
  
To be ap  
praised.  
  
Clerk  
county c  
to keep re  
cord.  
  
Two o  
more to l  
included  
same cert

Section 2. *And be it further enacted,* That when any stray as aforesaid, shall be found dead, or shall have escaped, the taker up, shall without delay make report thereof to the clerk, on oath, who shall make a memorandum of the same, in the margin of his book where the certificate of such stray was registered, and the taker up shall not be answerable for the same, nor shall the taker up be liable for using said stray: *Provided* the same shall not have been abused. Escape  
death  
stray: not  
reported.

Section 3. *And be it further enacted,* That when any stray shall be proven away and the owner, and the taker up cannot agree as to expences, application may be made by either party, to the next Justice of the Peace, who shall require two householders of the neighborhood who shall have the privilege of appointing an umpire and adjust the dispute and their award shall be final. Exper-  
of keeping  
stray  
how as-  
tained.

Sec. 4. *And be it further enacted,* That if any person shall take or send away any stray out of this state on any pretence whatsoever, Provisi  
for

ist of a or shall trace or sell the same under twelve months, he or she so offending shall forfeit and pay one hundred dollars, to be recovered in any court of this state having jurisdiction thereof, one half to the use of the informer, and the other half to the use of the county wherein the offence shall have been committed; and moreover, shall pay the owner the amount of the appraisement or if no owner appear then to the county, subject to the regulations as is hereafter ordered, under the sixth section of this act.

Sec. 5. *And be it further enacted*, That if any person shall take up or use a stray of whatever description, contrary to the meaning of this act, shall for every such offence, forfeit and pay one hundred dollars, recoverable with costs in any court of this state having jurisdiction thereof, one half to the county, and the other half to the person suing for the same.

The property of strays vested in taker up. Sec. 6. *And be it further enacted*, That the property of every stray or strays taken up as aforesaid, twelve months after such appraisement, and not proved away by the owner thereof shall be deemed vested in the taker up of the same: *Provided nevertheless*, that should the owner apply in five years, he shall receive the full amount of such appraised

Redemption. strays, one half from the taker up, and the other half from the county, after paying all reasonable expences: *And provided also*, that the person so taking up shall account for, and pay into the hands of the clerk of the county one half of the appraised value of all such strays, according to the true intent and meaning of this act: and if the taker up shall neglect to account with the said clerk for the same, he or she so failing, shall forfeit and pay the appraised value of all such strays, to be

Penalty for neglecting. To be recovered by clerk. recovered by action of debt before any jurisdiction having cognizance thereof, and it shall be the duty of the clerk to commence suit respectively against all delinquents for the recovery of the same, and shall be entitled to receive five per centum on all money recovered, and received and the balance the said clerk is hereby required to pay over to the County Treasurer.

Owner to prove his half of the appraisement. Sec. 7. *And be it further enacted*, That it shall and may be lawful for the former owners of any strays at any time on proving his property by one or more competent witnesses, to demand and receive from the County Treasurer one half of the value of any such strays appraised and accounted for as aforesaid deducting therefrom the Treasurer's commissions of two per centum for receiving and accounting for the same.

Taker up to exhibit strays. Sec. 8. *And be it further enacted*, That it shall be the duty of the taker up of any stray horse, mare or mule to care the same to be exhibited on the first day of each term of the Circuit Court of the county, next succeeding the time at which such stray shall be taken up; from twelve to four o'clock on each day; that the owner may have an opportunity of claiming his property.

Claim to keep register of strays. And publication news paper. Sec. 9. *And be it further enacted*, That the clerks of each county of this state shall keep a book in which he shall register all certificates of strays delivered to him, and file the same in regular order: It shall be his duty to cause a copy of the certificate of appraisement of every horse, mare, colt or mule, to be published in the nearest newspaper three times: It moreover shall be the duty of the clerk to make out a fair and correct list of all strays, and affix the same at the door of the court-house of their respective counties, on the first day of each term of the Circuit Court omitting such strays as are proven away, escaped or dead, under the penalty of five dollars for each neglect or omission: The clerk shall receive as fees of office for advertising any horse, mare

colt or mule, twenty five cents; and for every head of catilo, sheep or hog six and one fourth cents; and for every search of the stray books, twelve and one half cents, to be paid by the person applying to search.

Sec. 10. *And be it further enacted*, That no cattle or sheep shall be taken up or posted in the months of April, May, June, July, August, September, or October, unless it be a cow with a young calf.

Sec. 11. *And be it further enacted*, That at any time within twelve months it may be lawful for the owner of any stray or strays taken up under the provisions of this act, to prove his or her property, by his or her own oath, or by the oath or affirmation of any other competent witness in the following manner, to wit: a certificate giving a particular description of the stray or strays, so claimed shall be made out, giving the kind, marks, brands, stature, color or age of said stray or strays, as may be, which certificate shall be sworn to and subscribed before any Justice of the Peace, and delivered to the taker up, to be filed in the clerks office, and the deliverer of said certificate as before mentioned, and payment of all costs incurred from the posting and keeping said stray or strays, shall deliver up the same to the proper owner.

Sec. 12. *And be it further enacted*, That in all cases of the division of counties, the stray or strays shall belong to the county wherein the same may be found, and shall be disposed of as other strays posted in county.

[Approved December 21, 1820.]

## An Act to fix the seats of Justice permanently in the counties of St. Clair and Perry, and for other purposes.

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the captains in each company beat in the county of St. Clair, or in case of there being no captain in any company, the military officer having an appointment of the next grade, to hold an election at their respective muster grounds under the inspection of two freeholders or householders chosen by the said officer for that purpose, on the last Saturday in January next, for the purpose of electing one person an inhabitant of the company beat in which such election is held, as commissioner, to fix the seat of justice in the said county of St. Clair.

Sec. 2. *And be it further enacted*, That the said captains, or officers (as the case may be) shall give ten days notice by advertisement, at three public places in their respective companies, of the time and place of holding such election: and every person entitled by law to vote for a Senator or Representative of the legislature of the state, shall be deemed a qualified elector.

Sec. 3. *And be it further enacted*, That at the close of such elections, which shall be at five o'clock, the said officer conducting the same shall in presence of the inspectors, count out the tickets or ballots; and the person having the greatest number of votes shall be declared duly elected, and certified by the said officer and inspectors, under their hands and seals: which certificates shall be returned by the said officers to the office of the clerk of said county, on the fourth day after such elections are held: and it shall be the duty of the clerk, to record the same in his office.

Majority a  
quorum.

Sec. 4. *And be it further enacted*, That the persons elected as aforesaid, shall be deemed a board of commissioners, a majority of whom shall constitute a quorum to do business, whose duty it shall be to fix on the most eligible place in the said county for the seat of justice, having regard to natural conveniences and the interest of the county.

Can't's to  
fix on still.

Sec. 5. *And be it further enacted*, That the commissioners elected under the provisions of this act, shall meet at the place of holding courts in the said county of St. Clair, the tenth day after the return of their election to the clerk's office, and fix on a place for the permanent seat of justice for said county.

Comm'r's  
may rec'd  
donations.

Sec. 6. *And, be it further enacted*, That said commissioners shall have power to receive donation from any person or persons for the purposes of defraying the expense of the public buildings for the aforesaid county: and should not sufficient donations be made, to accomplish the object, the county court shall have power to levy a tax on all property now made taxable by law, to a sufficient amount to complete the public building, which tax shall be collected under the same regulations as other public taxes, and paid over by the collector thereof, to the said commissioners, who shall appropriate the same to the purposes of public buildings for the county.

To let out  
pub. build-  
ings.

Sec. 7. *And be it further enacted*, That the said commissioners shall after fixing the site aforesaid, proceed to the letting out a court-house, jail and other necessary public buildings, to the lowest undertaker, giving thirty days public notice in the Tuscaloosa Republican, and at three public places in the county, and taking bond with approved security, payable to the chief justice or chairman of the court for the faithful performance of the work, within the time by them fixed on, and according to the plan by them given.

Com-  
m's  
oath.

Sec. 8. *And be it further enacted*, That the said commissioners shall, before entering on the duties assigned to them in this act, take and subscribe the following oath, before some justice of the peace: "I, ..... do solemnly swear, that I will in my capacity as commissioner, in fixing the seat of justice in the county of St. Clair, and the erection of the public buildings thereon, without favor or partiality, and to the best interest of the county, to the best of my knowledge and judgment, so help me god."

Perry co'y  
comm'r's to  
select a site

Sec. 9. *And be it further enacted*, That Eliash F. King, Samuel D. Read, John Marton, James L. Beard, Thomas A. Perry, and Caleb Russell, be and they are hereby appointed commissioners, whose duty it shall be, to ascertain, whether a suitable site can be found, calculated for the seat of justice for Perry county, within three miles of the center thereof; which center shall be ascertained by the county surveyor for the said county, who is hereby required to fix and ascertain said center. In case the said commissioners, or any majority, shall be of opinion, that a suitable situation for the seat of justice can be found within ten miles of the center of the said county, they are then directed and required to fix the seat of justice at the same.

Election of  
the co'y to  
vote for a  
site.

Sec. 10. *And be it further enacted*, That if in the opinion of a majority of the aforesaid commissioners, there is no suitable place within three miles of the center of the said county, they are then directed and required to ascertain the nearest suitable site north of the said center, and the qualified electors of said county shall vote whether the seat of justice shall be at the place so ascertained by the said commissioners, or at the present seat of justice for said county: and the place receiving the greatest number of votes, shall be the permanent seat of justice for Perry county.

Sec. 11. *And be it further enacted*, That in case the above election becomes necessary by reason of the commissioners not finding a place every way suitable within three miles of the center they shall immediately give notice to the sheriff of Perry county, informing him of the place they have chosen to be put in competition with the present seat of justice; whose duty it shall be immediately to advertise said election, giving one months notice: which said election shall in every other respect be managed and conducted as elections for representatives to the state legislature are; and no vote shall be counted which shall not be for one of the two places.

Sh'ss to  
advertise  
elections.

Sec. 12. *And be it further enacted*, That the said commissioners, before entering on their duties, shall take an oath before some justice of the peace for Perry county, for a faithful and impartial discharge of the same.

Com'rs to  
take oath.

Sec. 13. *And be it further enacted*, That until suitable public buildings are erected at a different place, the different courts in said county shall be held at the present seat.

Courts to  
be held at  
present  
places.

Sec. 14. *And be it further enacted*, That in addition to the election precincts already established in Perry county, there shall be two others to wit; one at the house of James L. Beard, at Oldtown, and one at the house of William Woodly.

Election  
precincts.

Sec. 15. *And be it further enacted*, That the said commissioners under the direction of the county court, shall be authorised and required to cause a court-house and jail to be built in said county so soon as the site shall be fixed agreeably to this act. And the county court are hereby authorised, to levy a tax in said county, not exceeding one half of the state tax in said county, for the year eighteen hundred and twenty one, for carrying this act into effect.

Com'rs.  
to contract  
for public  
building

Sec. 16. *And be it further enacted*, That all elections, held in pursuance of this act, shall commence at ten o'clock in the forenoon and close at five o'clock in the afternoon of the same day; and that all acts and parts of acts, contravening the provisions of this act, be, and the same are hereby repealed. [Approved December 18, 1820.]

Elections  
when to  
commence

## An Act concerning executions and sales by Sheriffs, and for other purposes.

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the fifteenth day of January next, one bed and furniture, one cow and calf, the necessary wearing apparel, three spinning wheels, one loom, six plates, six knives and forks, six spoons, one axe and one hoe, and also one fourth part of the provision in possession, in every family of this State shall remain free and exempt, from Execution, distress or levy, any law, custom or usage to the contrary notwithstanding.

Property  
exempt fr.  
execution.

Sec. 2. *Be it further enacted*, That it shall be the duty of the Sheriff in each county to sell all land and slaves taken in execution by him on the first Monday and following Tuesday and Wednesday in every month, and not otherwise, at the court-house door of his county, to the highest bidder, and no other than the legal title to land or other real estate shall hereafter be sold or conveyed by virtue of any execution.

Land &  
slaves  
sold and  
conveyed  
by right.

Sec. 3. *Be it further enacted*. That the equitable title or claim to land or other real estate, shall hereafter be liable to the payment of

*Equitable title liable by suit in equity.* debts by suit in chancery and not otherwise; and when a bill be shall filed for that purpose, all persons concerned in interest shall be made parties thereto.

*Proceedings in case property vised on, claimed by a third person.* Sec. 4. *Be it further enacted,* That when personal estate shall be taken in execution, which is claimed by any other person, than the defendant therein, it shall be the duty of the sheriff, constable or other officer, to summon a jury of twelve good and lawful men to appear at the time and place fixed for the sale of such estate, to try the right thereof; and if the jury shall find the right to be in the defendant in the execution, the sheriff, constable or other officer shall proceed to sell the same, and shall not be liable to any action therefor: but if the right shall be found for the adverse claimant, no sale shall take place, unless the plaintiff will enter into bond with good and sufficient security, in double the amount of such execution, payable to said claimant, conditioned for the payment of all damages which such claimant may suffer or sustain, by the sale of the estate claimed as aforesaid.

Sec. 5. *And be it further enacted,* That an action of debt may be maintained on said bond, and the amount of the damages sustained by the obligee therein may be assessed by a jury, upon proper averment, and proof of title in the plaintiff in such action as in actions of trespass for wrongfully taking said personal estate.

Sec. 6. *Be it further enacted,* That all acts and parts of acts contrary to the provisions of this act, shall be, and is hereby repealed.

[Approved, Dec. 20th, 1820.]

## An Act for the relief of certain Lessees of the School Lands in Madison County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the lessees of the sixteenth section, fourth township, and second range, Madison county, the term of whose leases expires with the present year, be authorized to retain possession of the same until the first of January eighteen hundred and twenty two, without paying rent; *Provided,* the said lessees shall enter into bond with approved security to the acting trustee of the said sixteenth section to deliver at the expiration of the year eighteen hundred and twenty two, the houses in good repair, and the improved lands under good and sufficient fences.

[Approved, Dec. 14, 1820.]

## An Act appointing commissioners to lay out a road on or near the dividing line between the counties of Madison and Limestone.

*Comrs* Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas Love, James Bailey, Jesse Posey, Edward Massey, and James P. Lockhart, be and they are hereby appointed commissioners to lay out and mark the best way for a road to be opened, to begin at Crabb's ferry on the Tennessee river in Madison county, from thence in a direct line as near as the nature of the ground will admit to the dividing line between the counties of Madison and Limestone; from thence north along the dividing line between the counties aforesaid to the north east corner of a quarter section of land lately owned and occupied by  
*Course of road.*

William Whitaker, Esquire, on said dividing line; from thence the nearest and best way to Colonel Burris' store, (paying due attention to private property) near said dividing line between the counties aforesaid.

Sec. 2. *Be it further enacted*, That the justices of the inferior courts of the counties of Madison and Limestone shall appoint from each of the counties aforesaid, two overseers of the said road, and designate the points between which their respective overseers shall work; the justices of the inferior courts aforesaid, shall also appoint from each of the counties aforesaid, two persons to apportion the hands to work under their respective overseers. County to appoint overseers

Sec. 3. *Be it further enacted*, That so soon as the overseers shall have completed said road, the commissioners shall report the same to the succeeding inferior courts of their respective counties. Com's to report

[Approved, Nov. 30th, 1820.]

### An Act providing for the payment of William Pye.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Pye, be and he is hereby allowed the sum of twenty dollars for the use of his house, and other accommodations furnished the Supreme Court, at their session in May last.

Sec. 2. *And be it further enacted*, That the Comptroller of Accounts be, and he is hereby required to audit, and the Treasurer is hereby required to pay the aforesaid amount of twenty dollars

[Approved, Dec. 7th, 1820.]

### An Act for the relief of John Boyce.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby authorized and required to issue his warrant on the Treasurer, in favor of John Boyce, for fifty nine dollars and fifty four cents, being the amount of ten per cent interest paid by said John Boyce, on the second instalment of the purchase money of three lots in the town of Cahawba.

[Approved, November 30, 1820.]

### An Act authorizing a review of Flint River, in Colaco County.

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That David Parker, Jonathan Burlison and John Birdwell, or any two of them be and they are hereby authorized, carefully to review Flint River in Colaco county, from its junction with the Tennessee river to the main fork therein, and report the practicability of its navigation, and the distance by them reviewed, to the next General Assembly. Commissioners

Sec. 2. *And be it further enacted*, That if in the opinion of the commissioners, it is practicable to navigate the eastern or western branches of Flint river above the forks, it shall be their duty to report the same to the next General Assembly, and the expences that they may think necessary to open the same. Make report

## An Act declaring the Oaktuppa creek a navigable stream, &c.

*Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

*That the Oaktuppa creek, situated in Washington county, and emptying into the Tombigbee river, be, and the same is hereby declared, a navigable stream, from the mouth thereof, up to Philips mill.*  
[Approved December 6, 1820.]

## An Act authorizing a Lottery for the benefit of the navigation of the Buttahache river.

**Commissioners.** **Lottery authorised.** **Not to injure private property.**  
Section 1: *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall and may be lawful for Anthony Winston, William Wilson, Jesse Vanhoose, James Davis, Robert Gillespie, Isaac Anderson, James Moore, William Metcalf, Jabez Fitzgerald, Lemuel Bean, J. S. Fulton, Richard Ellis and John D. Terrell, or a majority of them who may take upon them the duties enjoined by this act, to raise by lottery in one or more classes as to them may seem necessary, any sum not exceeding thirty thousand dollars, to be appropriated, exclusively, to the navigation of the said Buttahache river: *Provided always,* that the navigation of said river, shall in nowise effect private property, without just compensation being made therefor, which compensation shall always be ascertained by a jury, according to the existing laws regulating the erection of mill dams.

**Commissioners to give bond.**  
Sec. 2. *And be it further enacted,* That the said Anthony Winston, Wm. Wilson, Jesse Vanhoose, James Davis, Robert Gillespie, Isaac Anderson, James Moore, Wm. Metcalf, Jabez Fitzgerald, Lem. Bean, J. S. Fulton, Richard Ellis and John D. Terrell, or such majority of them as may choose to serve, shall, before they enter upon the duties to them assigned in this act, enter into bond with sufficient security, payable to the Governor for the time being, or his successors in office, before some one of the Judges of the Circuit Court of this state, conditioned for the faithful performance of all the duties of them required by this act: which bond, by the Judge taking the same, shall be placed in the Clerk's office of the Circuit Court for Marion or Franklin county in this state, and may be put in suit in the name of the Governor of the state of Alabama for the time being, by any person or persons who may be injured by a breach of any of the provisions of this act.

**Prizes to be paid in 30 days.**  
Sec. 3. *And be it further enacted,* That it shall be the duty of the said persons, or such of them as may choose to act under this law, within ninety days after the completion of the drawing of the lottery aforesaid, to pay to the fortunate drawers in said lottery, or to his, her or their legal representatives, such prize as may be due agreeably to the scheme they may have determined upon and published.

**Lottery where to be drawn. Managers to take an oath.**  
Sec. 4. *And be it further enacted,* That the said lottery shall be drawn at Franklin court house or Marion court house in this state, as may be agreed upon by the acting managers aforesaid, who shall in some printed newspaper within the state give due notice, of the time and place of such drawing; which shall be conducted in such manner and under such regulations and responsibilities as to the aforesaid persons may seem most expedient: *Provided,* that each clerk or other person concerned in the drawing of said lottery shall take an oath be-

Here some Justice of the Peace, faithfully and impartially to discharge their respective duties.

Sec. 5. *And be it further enacted,* That should the said lottery, or any class thereof not be drawn within four years after the scheme thereof Lottery.

Reasonable time after the lottery shall have been drawn, the commissioners acting under this act shall give public notice in some newspaper, that the navigation of the said river Buttahache at a certain place will be let to the lowest bidder, which lowest bidder shall be the undertaker of the said river; *Provided* he shall give to the said managers good and sufficient security to their satisfaction: for the faithful performance of his undertaking. And the said managers shall be authorized to make to the said undertaker such disbursements and at such times as they may think proper. [Approved December 18, 1820.]

## An Act to incorporate the town of Selma in the

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that tract of land included within fraction thirty-six in township seventeen, range ten, and fraction thirty one, in township seventeen, range eleven west of Alabama river, including the river adjoining said fraction, to the middle of the same in the county of Dallas, shall be called and known by the name of the town of Selma. Limits of town

Sec. 2. *And be it further enacted,* That on the first Monday in April next, and annually thereafter, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, an election by ballot shall be held for five councillors at some convenient public place in said town. And that all free white male persons of the age of twenty-one years and upwards who shall be land holders or house holders within the same, or shall have resided therein three months, next preceding such election, shall be entitled to vote for said councillors; and when the election shall be closed, the managers thereof shall proclaim the result and give notice to the persons elected, who shall on the following day at the hour of eleven o'clock in the forenoon, meet at the place where said election was held, and there proceed to elect by ballot from their own body, an Intendant whose duty it shall be to preside and preserve order at all meetings of the Council, and the persons so elected shall continue in office until their successors are duly qualified. Election of councillors.  
  
Persons qualified to vote.  
  
Time and place for election.

Sec. 3. *And be it further enacted,* That the first election shall be held and conducted by Gilbert Shearer, William Johnston, Benjamin Saunders, Nathaniel G. Brown, and William Read, or any three of them who shall give ten days previous notice of the time and place of holding said election by advertising in three or more public places in said town. And all future elections shall be managed by such persons, not exceeding three in number, as the Intendant and Council shall annually appoint, who shall give the like notice of the time and place of holding the same. And the Intendant and Council respectively, shall before entering on the duties of his or their office take the following oath before some Justice of the Peace of Dallas county: Swearing to duties of elected.  
  
Oath of Intendant.

with I ----- do solemnly swear, that I will equally and impartially perform all the duties required of me by the act incorporating the town of Selma, so help me God.

*Incorporated.*  
*Seal.*  
*Own property.*  
Sec. 4. *And be it further enacted,* That the Intendant and Council are hereby declared to be a body corporate, by the name of the Town Council of Selma, and by that name, they and their successors, shall be capable of suing and being sued, pleading and being impleaded in all manner of suits, either in law or equity, to have a common seal, and the same to alter at pleasure, and may purchase, have, hold, possess, receive, enjoy, and retain in perpetuity, or for any term of years, any estate, real or personal, not exceeding in value ten thousand dollars, and may sell or lease the same.

*vacancies in Council how filled.*  
Sec. 5. *And be it further enacted,* That if the Intendant die, resign, be removed from office, or absent the Council shall fill such vacancy by an appointment pro tempore or otherwise, and vacancies in the Council shall be filled by the Intendant and remaining Councillors; a majority of whom shall be a quorum to transact business.

*Powers of the council.*  
Sec. 6. *And be it further enacted,* That the Council shall have power to pass all such orders bye-laws and ordinances respecting the streets, markets, buildings, pleasure carriages, wagons, carts, drays, and police of said town, that shall be necessary for the security and welfare of the inhabitants thereof; and for preserving health, peace, order and good government within the same, and to assess a tax on the inhabitants thereof, not exceeding one third part of the amount of the State tax which is paid for property of the same kind, they shall have power to prevent and remove nuisances, to appoint patrols and define their duties, to affix fines for offences against their bye-laws and ordinances, not exceeding fifty dollars for every offence, to be recovered before the Intendant, or any member of the Council, for the use and benefit of the town, to assess a tax on licenses to retailers of spirituous and other liquors, and billiard tables kept for use in said town, not exceeding on the former the sum of ten dollars, and on the latter the sum of fifty dollars in any one year; they shall have power to appoint a Clerk and Treasurer, an assessor and collector of taxes, and constable for said town, to affix the salaries and fees of such officers respectively, and define their duties, to confine any person or persons for a time not exceeding two hours, who shall incur any penalty or forfeiture inflicted by any of the ordinances of said corporation; passed conformably to the powers vested in them by this act.

*Councillors cannot act as Justices of Peace.*  
Sec. 7. *And be it further enacted,* That the Intendant and each and every of the Council, shall be vested with all the powers and authorities that justices of the peace are vested with by the laws of this State, and shall and may exercise the same within the limits of said town, but in matters of debt, only where the Town Council shall be a party; subject nevertheless to an appeal to the Circuit Court of the county in which such town shall be, as in cases of appeals from the decisions of justices of the peace.

*Power to tax land.*  
Sec. 8. *And be it further enacted,* That the Intendant and Council shall have no power to assess a tax on lands which shall not have been laid off and sold, or any property of the United States, or this State, or property belonging to any seminary of learning, church, or religious society, they shall have no power to tax the improvements on any lot for the term of three years, or to make any bye-laws or ordinances repugnant to the laws of this State, and this act and all the bye-laws and ordinances shall be subject to revision, or repeal by the General Assembly,

Sec. 9. *And be it further enacted*, That if the Intendant or any member of the Council shall be guilty of any wilful neglect of duty, or malpractice in office, he shall forfeit and pay a sum not exceeding two hundred dollars for every such wilful neglect or malpractice, to be recovered by any person suing for the same, in any court having cognizance thereof, and paid into the Treasury of the county, in which said town shall be.

Sec. 10. *And be it further enacted*, That if an election shall not be held according to this act, the Intendant and Council for the time being, shall order an election to be held within twenty days thereafter, and the Councillors thus elected shall continue in office until the next annual election. Failure of election is provided for.

[Approved Dec. 4, 1820.]

### **An Act to authorize Jeremiah Austill to dispose of the lands of the late David Files.**

*Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Jeremiah Austill be, and he is hereby authorised so soon as he shall have obtained letters of administration on the estate of the late David Files, to sell at private sale, the lands purchased by the said Files of the United States and to transfer to the purchaser the certificates for the same.

[Approved, December 7th, 1820.]

### **An Act to organize the Militia of this state.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all free white men and indented servants between the age of eighteen and forty five years, shall compose the militia of this state: Judges of the Supreme, Chancery, Circuit and County courts, and their respective clerks, Secretary of state, Treasurer, Comptroller, Attorney General, Solicitors to the different Circuits, licensed Ministers of the Gospel of every denomination, Public Ferry-men, Justices of the Peace, Post-masters, and Post-riders, shall be exempt from militia duty, except in case of imminent danger, insurrection, or invasion. Exempt from militia duty

Sec. 2. *And be it further enacted*, That the militia of this state shall compose four Divisions; the first of which shall consist of the counties of Jackson, Madison, Limestone, and Lauderdale; the second Division shall be composed of the counties of Cotaco, Blount, St. Clair, Lawrence, Franklin, Marion, Tuscaloosa, Shelby, and Jefferson; the third Division shall be composed of the counties of Greene, Marengo, Perry, Cahawba, Autauga, Montgomery, Dallas, and Wilcox; the fourth Division shall be composed of the counties of Monroe, Conecuh, Henry, Butler, Clarke, Washington, Baldwin, and Mobile: which Divisions shall form nine Brigades; the first of which shall be composed of the counties of Jackson and Madison; the second, of Limestone and Lauderdale; the third, of the counties of Cotaco, Blount, and St. Clair; the fourth, of the counties of Lawrence, Franklin, and Marion; the fifth, of the counties of Tuscaloosa, Jefferson and Shelby; the sixth, of the counties of Greene, Marengo, Perry, and Cahawba; the seventh, of the counties of Autauga, Montgomery, Dallas and Wilcox; the eighth, of the counties of Monroe, Conecuh, Henry and Butler; the ninth, of the counties of Clarke, Washington, Baldwin and Mobile; each of which shall be commanded by a Brigadier General: Each Brigade shall consist of not less than two, nor more than five Regt.

Divisions  
First.

Second

Third.

Fourth.

Brigades.

ments; each Regiment to be commanded by a Colonel commandant, and to be composed of two Battalions the first of which shall be commanded by a Lieutenant Colonel; the second Battalion by a Major: Each Battalion shall consist of not less than two, not more than five companies; each company shall consist of not less than forty privates, and shall be commanded by a Captain, Lieutenant and Ensign, four Sergeants, four Corporals, and two Musicians.

Sec. 3. The Regiments shall be designated and numbered as follows: The county of Jackson, number one; the county of Madison, number two and three; the county of Limestone, number four and five; the county of Cotaco, six; the county of Lawrence, seven and eight; the county of Franklin, nine; that part of Lauderdale county lying east of Shoal creek, shall compose regiment number ten; and that part lying west of Shoal creek, shall compose regiment eleven, St. Clair, twelve; Shelby, thirteen; Blount fourteen; Jefferson, fifteen; Marion, sixteen; Tuscaloosa, seventeen and eighteen; Greene, nineteen, Marengo, twenty; Cahawba, twenty one; Dallas, twenty two; Autauga, twenty three; Montgomery, twenty four; Henry, twenty five; that part of Monroe lying east of the Alabama river, shall compose the twenty sixth regiment, and that part lying west of the Alabama, shall compose the twenty seventh regiment; Conecuh, twenty eight; Butler, twenty nine; Clarke, thirty; Washington, thirty one; Perry thirty two. The northern regiment of Madison shall be the second regiment; the southern regiment of said county shall be the third regiment; the eastern regiment of Limestone, shall be the fourth regiment; and the western regiment of the said county shall be the fifth regiment; the northern regiment of Lawrence shall be the seventh regiment; and the southern regiment of said county shall be the eight regiment; and the line between the fifth and sixth townships shall be the dividing line of said regiments.

Major and Brigadier Generals how elected. Field officers. Platoon officers. To hold appointment two years. Sec. 4. Major Generals shall be elected by all the commissioned officers in the Division; Brigadier Generals shall be elected by all the commissioned officers in their respective Brigades: Field officers shall be elected by all free white males over the age of eighteen years in their respective regiments: Captains and subalterns by all free white males over the age of eighteen years in their respective companies. All militia officers may hold their commissions during good behaviour: none shall resign under two years, unless permitted to do so by a court martial; the President of which shall be of equal rank with the officer wishing to resign, under the penalty of being ineligible to any military appointment for the next succeeding two years. And in case any military officer may become a candidate at any election for a superior office, and not be elected, his place shall not be vacated thereby.

Writ of election for general officers. Sec. 5. From and after the passage of this act, when any election shall be holden for a Major General, or a Brigadier General, it shall be the duty of the Executive to appoint the time of holding the same, giving not less than sixty days, nor more than eighty days notice for the election of a Major General; and not less than forty days, nor more than sixty days notice for the election of a Brigadier General.

Returning officer. Sec. 6. The Governor, upon issuing a writ of election for Major General, or Brigadier General, to the Sheriffs residing in said division or brigade, shall determine on one of the said Sheriffs to whom the other Sheriffs of the said division or brigade shall immediately, upon the close of the polls, make their returns; and the Sheriff receiving the said returns shall within four days, transmit to the Secretary of the State, a correct poll of said election.

Sec. 7. The officers of the regiment in the division, or brigade, shall vote at their respective court houses, or places of holding court, in each county. Election where held

Sec. 8. In elections for Major General, or Brigadier General, if any candidate be dissatisfied, he may notify the Governor, and the contending candidate, that he intends to contest said election; and shall file his reasons therefor, in the office of the Secretary of State, within twenty days after said election; whereupon the Governor shall, forthwith, issue his order to the Adjutant General, directing a general court martial to be holden, to consist of not less than seven, nor more than thirteen officers of the divisions or brigades, which shall have power to decide; the President of which shall be of equal grade, with the officer for which the candidate may contest the election. Election how contested.

Sec. 9. The Adjutant and Quarter-master Generals shall be elected by joint vote of both houses of the General Assembly, and shall hold their offices for the term of four years: *Provided*, That the Governor shall have power to fill any vacancy that may occur in the recess of the General Assembly, by appointments to expire at the end of the next session of the General Assembly: *Provided also*, That at the first election for general officers under this act, the officers elected shall be commissioned under the same date, and draw for rank; and at all elections thereafter, the officers shall take rank from the date of their commissions. Adjutant and Qr. Master Gen. how elected. Rank how determined.

Sec. 10. The Major Generals shall have power to appoint an Assistant Adjutant General to their respective divisions, whose duty it shall be to receive returns of the strength and condition of the militia from the Brigade Major, consolidate the same, and make out three fair copies thereof, lay them before the Major General for his inspection, and transmit annually two copies thereof to the Adjutant General of the State; and retain the other copy in his own office. It shall also be his duty to make all details (in pursuance of orders from the Major General) on the different brigades of their respective divisions, and keep a fair register of all the general orders and official acts of the Major General, and lay the same when required, before any tribunal, before which a Major General may be tried on any charges exhibited against him. The Major General shall appoint two Aids-de-Camp, who shall have the rank of Major, and perform such duties as are performed by Aids of Major Generals in the army of the United States. Maj. Gen. appoint staff. His duty. Aids d. camp.

Sec. 11. Brigadier Generals shall appoint their brigade staff, which shall consist of a Brigade Major with the rank of Major, an Aid-de-Camp with the rank of Captain, and a Brigade Quarter Master with the rank of Captain. It shall be the duty of the Brigade Major to attend regimental drills when ordered by the Brigadier General, and drill the officers in conformity with the rules and regulations of the infantry of the United States; to receive from the Adjutants of regiments, returns of their strength and condition, consolidate the same and make three fair copies, which shall be submitted to the Brigadier General for his examination, two of which copies he shall annually transmit to the Adjutant General of the division to which his brigade may belong, retaining the other in his office. It shall also be his duty to make all details, in pursuance of orders from the brigadier general) on the respective regiments of his brigade, and keep a fair register of all general orders, and official acts of the Brigadier General, and lay the same before any tribunal, before which the Brigadier General may be tried on any charges alleged, when required to do so. It shall be the duty of the Brig. Gen. aid. Brig. Major. Duty.

*Aids de Camp.* Aids-de-Camp to perform such duties as are performed by Aids of Brigadier Generals in the army of the United States. *Brigade Quarter Masters.* Brigade Quarter Masters shall take charge of all public stores committed to their care; and perform all other duties required of Assistant Quarter Masters General in the service of the United States.

*Assistant Adjutant & Brigade Qr. Master's compensation.* Sec. 12. The Assistant Adjutant Generals and Brigade Majors shall receive a sum of five dollars for each day they may be engaged in the discharge of their respective duties, to be paid out of any money in the Treasury, not otherwise appropriated, on the certificate of the commanding officer.

*Reviews.* Sec. 13. Major Generals may review any corps of their division, when they may think proper: *Provided,* they shall not convene by special order any troops for that purpose. Brigadier Generals shall review the different regiments of their brigades, once in each and every *Duties of year.* Major Generals, or officers commanding divisions, shall receive *Maj. Gen.* and execute all orders from the Governor, Brigadier Generals, or officers commanding brigades, shall receive and execute all orders from the Major General, or officers commanding divisions. *Colonels.* Colonels or officers commanding regiments, shall receive and execute all orders from Brigadier Generals, or officers commanding brigades: and officers commanding battalions and companies shall receive and execute all orders from commanding officers of regiments.

*Regiment drill.* Sec. 14. It shall be the duty of the Brigadier Generals to cause the commissioned officers of each regiment, to meet at their usual muster ground, and have them drilled two days previous to the regimental muster, giving at least thirty days notice thereof; and each battalion shall hold one muster annually, at such time and place near the centre of the bounds of the battalion as may be directed by the commanding officer of the regiment; he giving the commanding officer of the battalion twenty days notice of such muster, transmitting at the same time, a copy of the order to the Major General of the division, whose duty it shall be to transmit to the Governor a copy of the same; and any officer failing, or refusing to attend the aforesaid drills, may be arrested and cashiered, in addition to the fines contained in the twenty-ninth section of this act: *Provided,* That all reasonable excuses shall be taken.

*Sentences of court affecting life.* Sec. 15. No sentence of a court martial affecting the life of an officer, shall be executed, until approved by the Governor, and four-fifths of both houses of the General Assembly.

*Arrests now made.* Sec. 16. It shall be the duty of a Major General to arrest a Brigadier General for neglect of any duties enumerated in this act; and order a court martial for his trial; and Brigadier Generals shall have power to arrest any officer in his brigade for neglect of duty.

*Cause of cashierment.* Sec. 17. Any officer of the militia of this State, who shall be found guilty of conduct unbecoming an officer and a gentleman, shall be cashiered.

*Courts martial or mixed.* Sec. 18. Whenever any of the courts martial (regimental courts martial excepted,) provided for in this act, shall have been detailed and convened, the senior or superior officer, shall be the President, and the court shall choose a Judge Advocate, who shall be sworn by the President for a faithful and impartial performance of his duty, and to keep the proceedings of the court secret, until divulged by the officer ordering the same: the Judge Advocate shall then administer a solemn oath to the President and members of the court.

Sec. 19. The Governor shall have power to appoint four reliable

persons as Aids-de-Camp, who shall have the rank of Lieutenant-Colonel, and serve the Governor in the same manner as the Aids of General officers do. Gov's aids  
de camp.

Sec. 20. The Adjutant General shall rank as Colonel of cavalry: Rank Adj.  
Gen. and  
duty. he shall receive from the Assistant Adjutant General of divisions all returns of the strength and condition of the militia of this state, and make out four fair copies thereof, annually, lay one copy of the same before each branch of the General Assembly, and retain one copy in his own office, for the information of the Governor. He shall transmit all orders from the Governor, and in pursuance of his orders, make details in the several divisions of this State. He shall annually transmit to the Secretary of the War Department of the United States, a return of the strength and condition of the militia of this state. He shall obey and execute all orders of the Governor, and receive as compensation. compensation therefor, the sum of two hundred dollars.

Sec. 21. The Quarter Master General shall be charged with the care of all Public Stores, of Arms, Ammunition, tents, camp-equipage &c. And whenever any part of the militia of this state shall be called into actual service, he shall on the requisition of the Governor, furnish such articles of arms, ammunition, and camp equipage as may be in his possession or power to procure: He shall perform all such duties (when in the field) as are performed by Quarter Masters General in the army of the United States; And shall have the rank of Colonel of Infantry: Rank. He shall keep a register of all arms, accoutrements, and military stores belonging to the state; He shall also take care that the public arms and stores as may be returned by any part of the militia of this state who may have been in actual service; he shall at all times give to the Governor, when required, an account of the quantity, state, and condition of all arms, camp equipage, and public stores that may belong to the state. He shall give security in the sum of two thousand dollars, for the faithful performance of his duty, and receive for his services annually two hundred dollars. compensation.

Sec. 22. The Commander in chief for the time being, may at his discretion, aid and assist the citizens of any portion of the State, in erecting temporary works and means of protection, and build such redoubts and establish such military posts as he shall deem necessary and best calculated to promote the common defence. Works of  
defence  
how erect-  
ed.

Sec. 23. The commander in chief for the time being, shall have authority to remove to some temporary place of safety, and deposit such portion of the arms, ammunition and military stores, at any time deposited in the Arsenal of the state, as circumstances may appear to require, and when necessary in his opinion, to provide and furnish sufficient guards to protect the Public Arsenals, until it be found expedient to call out into public service, detachments of the militia on whom this duty may in part devolve; and it shall also be his duty from time to time, to examine, or cause to be examined by some proper officer, the situation of the several arsenals throughout the state, to require security from the Arsenal keepers, and to remove them for negligence, or other improper conduct, or for incapacity for performing the duties devolving on them as such, and to appoint, in case of removal, other persons to supply the vacancy thereby occasioned. Pub. arms  
to be pre-  
served  
  
Arsenal  
keepers  
may be re-  
moved.

Sec. 24. It shall be the duty of Adjutants of regiments to attend all regimental and battalion musters, and assist in preparing for review or evolution. He shall keep a register of the officers of the regiment with their grades, and the strength and condition of each company. Reg't Adj.  
duty.

This compensation.

Reg'l Qr. Master's duty.

Pay Master's duty.

compensation.

Rank Regim'l staff

Company Muster. Company officers duty.

Fines for neglect of duty. Maj. & Brig. General. Colonel. Major. Captain.

He shall obey all orders from the field officers of his regiment, serve all notices or process directed to him, on the orders of his regiment. He shall make within ten days, after such muster, a complete return of the strength and condition of his regiment, and transmit the same to the Brigade Major of his brigade. He shall keep a record of all regimental or battalion orders, and the proceedings of regimental and battalion courts martial. He shall keep a register of every officer and private, drafted or detailed for the service of the State, or the United States; muster, inspect, and march to the place of rendezvous every detachment of detailed militia, and forward a complete return of them to the Brigade Major. He shall distribute to the Captains or commanding officers of his regiment such forms of returns as the Brigade Major may furnish him with; and each Adjutant shall receive such compensation as the regimental court martial shall think proper for his services, to be paid by the Paymaster out of the fines collected, on order from the President of such court.

Sec. 25. It shall be the duty of the Quarter Master to attend all regimental and battalion musters; and under the direction of the commanding officer, choose a place of parade, and with a guard prevent disturbances from spectators. He shall, on order from the commanding officer of the regiment, purchase instruments of music, colours, &c. and draw on the Paymaster for the same.

Sec. 26. It shall be the duty of the Paymaster, to attend regimental and battalion musters; and aid in the execution of the orders of the commanding officers. He shall receive all monies collected for fines, by the Sheriff or Constable, and receipt for the same. He shall account to the regimental court martial at every annual Session, to the amount of fines received; and how expended; he shall, on order from the President of regimental court martial, pay the Quarter-master and Adjutant for expences and services. The regimental Paymaster shall retain six per centum out of the monies received, as compensation.

Sec. 27. The Adjutant, Quarter Master, and Paymaster, shall rank as first Lieutenants; and the regimental Staff in addition to them, shall consist of a regimental Surgeon, two Surgeon's Mates, a Serjeant-major, a Quarter-master Serjeant, a Drum-major, and Fifemajor.

Sec. 28. It shall be the duty of company officers to hold company musters once in every two months, except the months of November, December, January and February; to give ten days notice of every company, battalion, or regimental muster, and advertising at the usual muster ground, and six other places in the bounds of his company, or in any newspaper circulating within the same, or notice given at one muster of the next company, battalion, or regimental muster, shall be deemed sufficient notice of the same, and the commanding officer shall note down all delinquencies at company musters, and make a return on honour thereof, to the company court martial; and in like manner, make returns of delinquents at battalion, or regimental musters, to battalion or regimental courts martial. He shall cause the company to be drilled in conformity to the instructions governing the infantry of the United States:

Sec. 29. The following fines shall be assessed on officers and privates failing to perform any of the duties required by this act. On a Major or Brigadier General, not less than fifty nor more than one thousand dollars. On a Colonel, not less than fifteen, nor more than five hundred dollars; on a Lieutenant Colonel or Major, not less than ten, nor more than four hundred dollars; on a Captain, not less than five,

nor more than two hundred and fifty dollars; on a lieutenant or ensign, not less than four, nor more than one hundred and fifty dollars; on any of the regimental Staff, not less than five, nor more than two hundred dollars; on non-commissioned officers, not less than two, nor more than fifty dollars; on privates, not less than one, nor more than four dollars.

Sec. 30. Any officer commanding a company shall have power to appoint the non-commissioned officers of his company; and any non-commissioned officer so appointed and refusing to act shall be fined five dollars.

Sec. 31. The Colonel or officer commanding a regiment, shall have power to appoint his regimental Staff, which shall consist of one Adjutant, one Quarter-master, each with the rank of Lieutenant, and a Paymaster, who shall perform such duties as are performed by Paymasters in the army of the United States; and who shall give bond with security for the faithful performance of his duty, in the sum of one thousand dollars to the Governor; and it shall be the duty of the Colonel, or officer taking such bond to transmit the same to the office of the Secretary of State. The said Paymaster shall rank as Lieutenant. The Colonel or officer commanding a regiment, shall also have power to appoint one Surgeon and two Mates. The Adjutant Quarter-master and Paymaster shall be commissioned by the Governor, but shall not be entitled to vote in elections for general officers.

Sec. 32. Any non commissioned officer or private of the Militia, who shall refuse to turn out on the order of his proper officer, in case of insurrection, invasion, or alarm, shall be fined in any sum not less than twenty nor more than one hundred dollars.

Sec. 33. Any non-commissioned officer or private, who shall refuse when drafted, and ordered to repair to the place of rendezvous, shall suffer death, or such other punishment as a court martial may inflict.

Sec. 34. All fines incurred by authority of this act, shall be returned by the President of the court martial before whom such fines may be assessed, to the constable of the company in whose limits the offender may reside, for collection. The certificate of the President, shall be a sufficient warrant to the constable for collection of the same; and the constable shall be further required to collect and pay over to the regimental paymaster all such fines within forty days after receiving the authority for collection of the same: If no property be found the defaulter may be seized and committed to jail, until the fine be paid: *Provided*, however, that all reasonable excuses shall be heard by the court, when the party accused shall appear to give the same: and *Provided*, also, if the said defaulter will swear before any justice of the peace, that he is not worth the amount of the fine, he shall be released.

Sec. 35. The commanding officers of regiments, and battalions shall, within twenty days after their respective regimental and battalion musters, detail a regimental or battalion court martial as the case may be; for the trial of such persons as may be brought before it, giving at least five days notice to each defaulter; it shall be the duty of the officer ordering the court to appoint the Adjutant, or such person as he may think proper who shall act as Judge Advocate to said court: No officer shall be a member of a court martial while he is a defaulter.

Sec. 36. No officer or private shall be arrested by any civil process while going to, continuing at, or returning from any muster or court martial, or other military meeting; and any arrest, process or execution on the person, at such times, is hereby declared void. All persons

Tell free. sons liable to do militia duty, going to, or returning from any muster or court martial, shall pass all ferries, bridges, and turnpikes, free of expence.

Bystan- Sec. 37. Any officer may put into confinement for the day any by-  
dare at c'stander that may interrupt the muster, drill or court martial; and any  
martialli- person enrolled, appearing at any muster, or drill, shall be ordered  
ble to con- into ranks, and if he refuses, shall be put into confinement for the  
finement. day, and fined as a defaulter; and no person shall be exempt from  
Invalids Military duty, unless in the opinion of a regimental court martial, he  
exempt fr. shall be wholly unfit for service; and if the court have doubts, they  
military may require the opinion of the regimental surgeon; as soon however  
duty. as such inability may be removed, he shall be again ordered to duty.

Militia cal- Sec. 38. All militia called into actual service shall be paid, provis-  
led into ac- ioned, and governed as the United States' troops are, and be subject  
tual service to the rules and articles for the government of the armies of the Unit-  
how provi- ed States, whether such militia be accepted in the service of the Unit-  
sioned. ed States or this state.

Principal for which a substitute has been hired, the substitute shall stand his  
to serve for draft; and if drafted, be liable to join the second detachment, as soon  
substitute. as his former tour may expire; and in case of drafts, the requisition  
shall call for officers, non commissioned officers and privates; Provid-  
ed always, that any person furnishing a substitute, shall be exempt  
from serving himself; but shall notwithstanding, be compelled to at-  
tend company, battalion and regimental musters, and perform patrol  
duty; and in the event of a second draft, should his substitute be draft-  
ed, before the former tour is performed, the person furnishing said  
Substitute. substitute shall perform his tour of duty, until the former has been  
performed, and the said substitute join the second detachment.

Person lia- Sec. 40. All persons liable to do militia duty, moving into the  
ble to duty bounds of a company, shall, within thirty days, or at the next muster  
must rep't after his arrival in said bounds, report himself to the commanding of-  
himself. ficer of said company, who shall immediately enroll him. Every per-  
son between the ages of eighteen and forty-five years shall be compel-  
led to do militia duty by the commanding officers of the company in  
who liable. whose bounds he may reside, until such person shall produce a certifi-  
cate from the captain of some volunteer company, that he is legally en-  
rolled in such corps, and is equipped as the corps requires.

volunteers Sec. 41. There may be one company of volunteer Light Infantry or  
Riflemen in each regiment to consist of not less than forty eight, nor  
more than eighty privates, to be officered in the same manner as other  
companies, of the regiment are; the non commissioned officers and  
privates of the said companies shall be liable to do patrol duty, with-  
in the limits of the militia companies, in which they may reside; they  
may choose their own uniform; and no volunteer company shall be  
raised for a shorter period than two years.

Term of Sec. 42. There may be one troop of cavalry, and one company of  
equipment artillery in each regiment, organized in the same manner, and liable to  
Artillery & Cavalry. perform the same duties as volunteer companies.

Vacancies how filled. Sec. 43. When any vacancy occurs in a regiment, it shall be filled in  
the following manner: When in the office of Colonel, the Brigadier  
General shall issue a writ of election to the sheriff, giving thirty days  
notice of said election; appointing the place of holding such election;  
and the said sheriff shall make his return thereof in the same manner  
as is made in elections of general officers. The colonel commanding

shall in like manner provide for the election of Lieutenant Colonels and Majors shall in like manner, provide for the election of company officers.

Sec. 44. When any officer shall be elected in the mode pointed out by this act, the opposing candidate after such election has been held, and before return has been made thereof, if he thinks himself aggrieved, and shall think proper to contest the election, he shall notify the officer ordering the same, in writing, within ten days after said election; and the officer ordering said election, shall order a regimental or battalion court martial, as the case may be, which shall decide the contest. The President of the court shall transmit the decision of the court to the Secretary of State: but if the election shall be set aside by the decision of the said court, the President thereof shall transmit the said decision to the officer ordering the said election, who shall forthwith order a new election.

Elections  
how con-  
tested.

Sec. 45. All arms and accoutrements of the militia of this State, shall be exempted from distress either by attachment, execution, or other legal process.

Arms ex-  
empt from  
distress.

Sec. 46. Company courts martial shall be holden on the next regular muster day of each company, at the usual muster ground, for the trial of delinquents. The company court martial shall consist of one or more commissioned officers; from whose decision an appeal may lie to the battalion court martial: the delinquent shall notify the court of his intention to appeal from their decision to the said battalion court martial; and the officer or officers holding the said company court martial, shall furnish the said battalion court martial with the proceedings in the case; and if the decision shall be confirmed against the delinquent, he shall be fined in double the amount of the judgment of the company court martial.

Company  
courts mar-  
tial.  
Appeals.

Sec. 47. Should any person who has been fined according to the provisions of this act, remove out of the county in which said fine was assessed, the amount of said fine shall be forwarded to the Sheriff of the county into which the delinquent has removed, by the Constable of the company to which the delinquent belongs, and the Sheriff to whom such return is made, shall proceed forthwith to make the money within thirty days, cause the money to be paid over to the Paymaster of the regiment from which said delinquent removed, after retaining such commissions as are granted for the collection of such sums in other cases.

If delin-  
quent re-  
moves how  
proceeded  
against.

Sec. 48. The southern or third regiment of Madison county militia, shall be divided into two regiments, each battalion forming a regiment. The second battalion of the late third regiment, shall be numbered the thirty third regiment. All vacancies occurring by reason of said division, shall be filled in the manner heretofore prescribed by this act.

3rd Reg't.  
divided.  
Vacancies  
how filled.

Sec. 49. Regiments and battalions may be changed by a general court martial, or regimental court martial as the case may be, for the internal regulation of either.

Regiments  
how chang-  
ed.

Sec. 50. The uniform of the officers of the militia of this State, shall be in future as follows:

Uniform.

The General, Field and Staff Officers, shall be the same as the uniform of officers of the same grade of the army of the United States. The uniform of the company officers, to be the same as that of officers of the same grade in the regular army, with the following exceptions: The uniform coats of the captains and to whom is

termed a coatee, or short coat, with standing collar, and single breast; in lieu of the chapeau de bras, the Captains and subalterns shall wear a citizen's black hat, which shall be complete with a cockade and white plume. The officers are at liberty, by paying due regard to the colour of the uniform, to determine on the quality.

**Adjutant General to furnish a statement of uniform.** Sec. 51. It shall be the duty of the Adjutant General to ascertain the uniform of the regular army as early as practicable, and furnish without delay, to the Brigade Majors of each brigade, a statement regulating the uniform of the militia of this State agreeably to this act, identifying the different articles of the same.

**Cahawba Guards to use public arms.** Sec. 52. The Quarter-master General, or person who shall have the care of the public arms in the town of Cahawba, shall be authorised and required to deliver any number of the same on every muster day, to the commandant of the volunteer company, in the county of Dallas, known by the name of the Cahawba Guards: *Provided*, that it shall be the duty of the commandant of said company to have said arms well cleaned, and returned to the arsenal or place of deposit, on the same day on which they shall be delivered out; and in default thereof, the officer commanding said company shall be liable in double the amount of the price of any article of arms which he shall have received and not returned, or which shall be damaged. And the keeper of the said arms shall be authorised and required to sue in the name of the Governor of the State of Alabama, before any justice of the peace for Dallas county, for double the price of any article of arms which shall not be returned agreeably to the receipt of the commandant of said company, which he shall give to the person delivering the same to him; and also for any damage which may be done to any of the arms received, which price and damage shall be ascertained by the justice trying the same.

**Commission to issue.** Sec. 53. In all cases where returns have been or shall hereafter be made to the Secretary of State, the Governor shall commission accordingly.

**Officers to uniform themselves.** Sec. 54. And be it further enacted, That all commissioned officers shall uniform themselves within six months after the passage of this act, or six months after they shall have been commissioned.

Sec. 55. All acts and parts of acts, passed at Huntsville the seventeenth December, eighteen hundred and nineteen, repugnant to this act, and the same are hereby repealed. [Approved Dec. 20, 1820.]

### An Act to reduce into one the several acts concerning Roads, Bridges, Ferries and Highways.

**Section 1.** Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all public roads and highways in the several counties of this state, that have been laid out or appointed by virtue of any act of the General Assembly heretofore made, or by virtue of any order of court, are hereby declared to be public roads; and that at all times hereafter the county courts of the several counties of this state shall have full powers to order the laying out public roads where necessary, and to discontinue such roads as now are, or shall hereafter be made, as shall be found useless, and to alter roads so as to make them more useful as often as occasion may require: *Provided*, that the courts of the several counties of this state shall, in no instance, grant an order on any petition for any new public road, unless the person or persons petitioning for such road, shall have given at least thirty days notice by advertisement

**Section 2.** Any roads and highways in the several counties of this state, that have been laid out or appointed by virtue of any act of the General Assembly heretofore made, or by virtue of any order of court, are hereby declared to be public roads; and that at all times hereafter the county courts of the several counties of this state shall have full powers to order the laying out public roads where necessary, and to discontinue such roads as now are, or shall hereafter be made, as shall be found useless, and to alter roads so as to make them more useful as often as occasion may require: *Provided*, that the courts of the several counties of this state shall, in no instance, grant an order on any petition for any new public road, unless the person or persons petitioning for such road, shall have given at least thirty days notice by advertisement

**County courts may lay out & discontinue roads.**

ment of his or their intended application, stuck up at the court-house, and three other public places in the county in which the said road may be.

Sec. 2. *Be it enacted*, That all roads hereafter ordered to be made, shall be laid out by a jury of freeholders or householders, to be appointed by the county court, and said jury shall consist of seven persons, who shall be instructed by the court to lay out the road so ordered, to the greatest advantage of the inhabitants, and as little as may be to the prejudice of inclosures, &c.; and the said jury shall take the following oath, to wit: I ..... do solemnly swear that I will lay out the road now directed to be laid out by the order to be directed from the county court, to the greatest advantage to the public, and with as little prejudice to inclosures as may be, without favor or affection, malice or hatred, and to the best of my skill and knowledge, so help me God. And all public roads shall not be less than thirty feet wide, and completely cleared of all trees, bars and impediments, and stumps, not to exceed four inches above the ground and in all cases where a new road is established, the owner or owners of the land over which such road passes may at the next term of the county court, apply to said court for damages for the injury which he, she or they may have sustained by the establishment of such road; and it shall be the duty of the court to cause a jury to be empannelled, to enquire of such damages, in which enquiry the jury shall take into consideration the advantages and disadvantages accruing to such applicant by the establishment of such road, and give their verdict accordingly: and the damages if any shall be assessed, shall be paid out of the county treasury.

Roads to be laid off by jury.

Oath of jury.

Width of roads, how cleared.

Injuries to private property how ascertained. Damages how paid.

Sec. 3. *Be it further enacted*, That all free white male persons between eighteen and forty-five years of age, and all male slaves, and other persons of colour over eighteen and under fifty years of age, shall be liable and it is hereby made their duty to work on, clear out and repair the public roads of this state, under such provisions and regulations as are hereinafter made; *Provided nevertheless*, that no licensed ministers of the Gospel or instructors of public and private schools shall be liable to work on public roads.

Who liable to work on roads.

Who exempt.

Section 4. *And be it further enacted*, That the county court of the respective counties shall have full power and they are hereby required to divide the public roads into districts or precincts, and shall annually appoint one overseer for each district or precinct, and at the same time shall nominate and appoint such persons as they may deem necessary, within their respective counties, who shall apportion the hands, liable by law to work on public roads, among such overseers as they shall direct, and the clerk of every county court, shall within ten days after the apportionments so made, deliver a copy of the order to the sheriff of the county, and the sheriff shall, within ten days after the receipt of such order, deliver the same to the overseer, and it shall be the duty of such overseer, on receiving his appointment, and the order of apportionment, to deliver said order to the commissioners of apportionment, or any one of them, whose duty it shall be to apportion the hands so divided within five days thereafter, and on failure of the clerk or sheriff to deliver such order herein directed, each shall forfeit and pay, on every such failure ten dollars, which fines shall be recovered by judgment on motion in the circuit court, without the interposition of a jury, unless the same shall be demanded by the defendant, which motion shall be made by the solicitor

Co. Court to lay off districts & appoint overseers.

Commissioners to apportion hands.

Order to be delivered to overseer.

Penalty for failing to deliver order.

of the circuit in which such defaulter resides; *Provided however*, that in all cases it shall be the duty of the solicitor, to give to such defaulter three days notice, and in all cases of such failure, the certificate of a commissioner of apportionment, shall be deemed sufficient evidence.

Post up list  
of over-  
seers.

Sec. 5. *And be it further enacted*, That the clerks of the several county courts of this state, shall put up in their respective court-houses, on the first day of each circuit court, a list of the names and precincts of all the overseers of roads in the county, and on neglect shall forfeit and pay for each failure ten dollars, to be recovered on motion made by the solicitor to the circuit court, as prescribed in the fourth section of this act.

penalty for  
refusing to  
serve as o-  
verseer.

Overseer  
to give no-  
tice of ac-  
ceptance.

Proceed-  
ings in case  
of refusal.

Penalty  
how reco-  
vered.

Previous.

Overseer  
to demand  
a list of  
hands.

To be re-  
turned to  
co. court.

penalty for  
refusing to  
give a list.

How reco-  
vered.

Notice to  
be given to  
hands.

Sec. 6. *And be it enacted*, That every person refusing to serve as an overseer on any road agreeable to the order of the court of the county in which he resides, without a reasonable excuse to be judged of by the circuit court, shall forfeit and pay the sum of forty dollars: and it shall be the duty of every person appointed an overseer, to notify the clerk of his county of his acceptance or refusal to act within ten days after he receives notice of his appointment to the said office. under the penalty of ten dollars for neglect, and if any overseer shall notify the clerk of his refusal to act, the clerk shall forthwith report the same to two justices of the peace of the neighborhood where such overseer resided, who are hereby authorised and required to appoint a successor to serve for the residue of the term, and such new overseer so appointed shall be subject to the same penalties and forfeitures as the overseer appointed by the County Court: and the penalty for refusal to accept, and for failing to notify the Clerk of his refusal or acceptance shall be recovered by judgment in the Circuit Court on motion of the solicitor as is prescribed in the fourth section of this act and the certificate of the Clerk of the County Court in all cases of forfeiture incurred under this section of this act shall be deemed sufficient evidence: *Provided nevertheless*, that no person shall be compelled to serve as an overseer more than one, in any three successive years.

Sec. 7. *Be it further enacted*, That it shall be the duty of every overseer of the road immediately after his appointment and the apportionment of the hands, to demand a list from every person within his district or precinct, of all the hands he has in his possession, himself included, liable to work on roads, which demand shall be made in person, or in writing left at the usual place of abode of the person applied to, a copy of which list the said overseer is hereby required to return to the county court, at the next succeeding term; and if any person shall refuse, or neglect for the space of ten days, to deliver a list thus required to said overseer, such person so refusing or neglecting, shall forfeit and pay the sum of six dollars for each hand liable to work so refused or neglected to be given in or returned, to be recovered on motion of the solicitor, to the circuit court, as prescribed in section fourth of this act, and the evidence of the overseer shall be deemed sufficient proof of such refusal or neglect.

Sec. 8. *Be it further enacted*, That it shall be the duty of the overseer of any road to give three days previous notice by summons in person or in writing left at their respective places of abode, to all free male persons as well as to the owner, overseer, or overseers of all slaves liable to work on roads, as apportioned by him to meet at such times and place as he may appoint, and to bring with them such tools to work with on the road, ~~as may~~ direct, and if any free person

summoned, shall fail to attend, or send a substitute to work in his place, or when attending, shall neglect or fail to do and perform his or their duty therein, he or they shall forfeit and pay a fine of one dollar per day each, for every such failure, non attendance or refusal: And if any slave or slaves fail to attend agreeably to the summons of the overseer of the road to the owner or overseer of such slave or slaves, then and in that case the owner, owners, or overseer (as the case may be) shall forfeit and pay one dollar per day for each and every slave that shall fail to attend as aforesaid; *Provided*, that all reasonable excuses shall be heard and allowed. And it shall be the duty of the overseer to return under oath a list of all hands apporportioned him within his district or precinct, who may not have worked when by him called out, and said county court shall cause the clerk of said court to deliver a certified copy of the same, in charge of the tax collector of such county, who shall collect the same in the same manner as the taxes of each county which he shall, when collected, pay over to the clerk of said court, *Provided nevertheless*, that if any overseer returns an incorrect list to the county court, any person injured thereby may receive the amount of any damage sustained by him or them by an action of debt before any Justice of the Peace or Court having jurisdiction thereof.

Penalty  
for re-  
turn-  
ing to  
work.

How re-  
covered.

Sec 9. *Be it further enacted by the authority aforesaid*, That it shall be the duty of all overseers of public roads, to measure all roads, and to set up posts at the end of each mile leading from the Court House, or some noted place or Town in their respective counties, and to mark on the said posts, in large legible figures, the distance in miles, to their said Court House, or some other noted place or town, and when a post so erected shall be removed by any means whatever, the overseer of the road shall cause the same to be replaced by another to be put down in the same place, marked as on the one removed; it shall also be the duty of overseers of roads to affix at the forks of all public roads in their respective districts or precincts index boards pointing at, with directions to the most noted places to which they lead, and on failure, to put down mile posts marked as aforesaid, or index boards as aforesaid; the overseer of such road for each failure or neglect shall forfeit and pay the sum of five dollars, to be recovered by Judgment of the Circuit Court on motion of the solicitor as prescribed in the fourth section of this act.

Overseer  
to measure  
road, set  
up posts.

Index  
boards.

Penalty  
for failure.

Sec. 10. *Be it further enacted by the authority aforesaid*, That overseers of the road shall have power to call out all persons apporportioned to work on their respective roads, within their precincts or districts, at any time and at all times when they think proper: *Provided nevertheless* that no person shall be compelled to work on more roads than one in any one year, nor more than ten days on any road.

Number  
of days ha-  
ble to work

Sec. 11. *Be it further enacted by the authority aforesaid*, That if any person or persons whatsoever shall alter or change any public road, unless it be by order of the county court of the county, founded upon the report of a jury appointed and sworn as in the case of laying out new roads, they shall on conviction of every such offence, be fined ten dollars for each month the road is turned out of the old course, and that the old road shall in no case be shut up until the overseer shall certify to the court that the newly opened road is in good and sufficient order, nor shall any person or persons erect or cause to be erected across any public road any fence, bar, impediment, or shall fall a tree or brush on the same, and shall not remove and clear away such fence, bar, impediment, tree or brush within twen-

Penalty  
for turning  
road.

Or do-  
not  
clear

ty four hours thereafter, he or they shall forfeit and pay five dollars for every such offence, and shall moreover be liable to pay five dollars for every twenty four hours after the first day that the said fence, bar, impediment, tree or brush remains in the said road; and it shall be the duty of the overseer of the road turned as aforesaid, or on which such impediment may be, to lodge information with the solicitor of the county in which the same may be, and the circuit court shall enter up judgment against the offender or offenders as prescribed in the fourth section of this act for the amount of penalty incurred, and the oath of the overseer of the precinct or district shall in all cases be deemed sufficient evidence.

Causeways to be erected.

Sec. 12. *Be it further enacted by the authority aforesaid,* That when to the overseers of roads it may appear expedient to make or repair causeways on the same, said overseers shall make them at least fourteen feet wide, and the earth necessary to cover the said causeways shall be taken from both sides of said causeway equally, and so as to form a drain on each side.

Bridges may be erected.

Sec. 13. *Be it enacted by the authority aforesaid,* That when a bridge shall be necessary over any place where the overseers with his assistants, cannot conveniently make it, the court of the county wherein such place may be, is hereby empowered and required to contract and agree for the building, keeping, and repairing thereof, and to lay the charge on their county by tax or otherwise; and where bridges shall be necessary over any such creek or river, which divides one county from another, the court of each county shall join in the agreement for building, keeping, and repairing the same; and the charge thereof shall be borne and defrayed by both counties, in proportion to the amount of taxables in each; and all and every contract, agreement, and order, by the several county courts in this State, entered into, or made for, or concerning the building, keeping or repairing of bridges or causeways, in such manner as to them shall seem most proper, shall be good against them and their successors in office.

Bridges on line disd- ing coun- ties how built.

Penalty on overseer for neglect of duty.

Sec. 14. *Be it enacted by the authority aforesaid,* That every overseer of any road who shall fail or neglect to keep the roads, bridges, and causeways, within his district, or precinct, clear and in good repair, or permit them to remain uncleared, or out of repair for fifteen days at any one time, unless hindered by high water, bad weather, or other sufficient cause, to be adjudged of by the court having jurisdiction of the same, such overseer shall forfeit and pay for every such offence twenty dollars, to be recovered by judgment of the circuit court on motion made by the solicitor, as prescribed in section fourth of this act: *Provided, nevertheless,* that payment of this penalty, shall not prevent any persons who may have sustained damage by the road being out of order, from recovering the amount of such damage from such overseer.

Roads may be divided into different apartments.

Sec. 15. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for any overseer, if required by a majority of the hands on the road within his district or precinct, to mark out each road in equal apartments for the ease of the labourers, who shall finish his or their part within the time agreed on between said overseer, and each free person, master, mistress, or overseer, and in default of any agreeing party, the overseer shall be, and he is hereby authorized to cause the same to be done by hire of other persons, and thereon to tender his account and demand payment of said defaulter or defaulters, and on refusal, to warrant for the same, before some justice of the

peace, *Provided*, that the overseer shall in no case give a longer time than ten days to any hand, to do the work apporportioned or marked out for him.

Sec. 16. *Be it further enacted by the authority aforesaid*, That at all times hereafter, the county courts in this state, shall have power to establish ferries, and order them under such regulations as is hereinafter directed. That before any person shall open or establish a public ferry in this state, he shall first apply to the county court of the county in which such ferry may be, and the court for good cause shown by the party applying, may grant a licence to establish a ferry, and shall affix the rate of toll or ferriage on all persons, horses, cattle or carriages, &c. that may pass the same, and shall moreover, require from the person or persons so applying for licence, to give bond with good and sufficient security in the sum of one thousand dollars, payable to the chief justice and his successors in office, of the county in which the ferry may be. Conditioned, that the person or persons to whom said licence may be granted, that he or they will constantly provide and keep good and sufficient boats, also the banks on each side of the water course in good repair, and that said ferry shall be well attended for travellers or other persons to carry or pass their horses, carriages, or effects over such river or water course.

Ferries  
how estab-  
lished.

Keepers  
to give  
bond.

Sec. 17. *Be it enacted by the authority aforesaid*, That where land is owned by the same person, on both sides of a river, over which it may be necessary to establish a ferry, such persons shall have the ferry established on his land on both sides if he desires it, unless public convenience would be thereby prejudiced; but if the land of such person is most suitable on one side of such river and not on the other, then the court may establish such ferry, so as to produce the most public good and least private injury; no public ferry shall be established within less than two miles by water of a ferry already established, unless on any river at or within two miles of any town. *Provided nevertheless*, that any ferry may be established on any sixteenth section, whenever the trustees of said sixteenth sections think it advantageous to the township in which said section may be.

No ferry  
shall be es-  
tablished  
within two  
miles of  
one already  
estab-  
lished.

Sec. 18. That the county court, through whose county large creeks, or water courses pass, over which it may be too burthensome to build bridges by a county tax, it is hereby made lawful for such county courts to contract with any person or persons to build a toll bridge or causeway, for which the court is hereby authorised to lay the toll to be levied on all persons, horses, cattle, and carriages passing over the same, to be granted to the undertakers for such a number of years as the said court may agree upon for the building such bridge or causeway; and the builder, or builders, and their successors, shall keep such bridge or causeway in constant repair, and in default thereof, the owners of such bridge or causeways shall and hereby are declared to forfeit all right and title to the toll thereof.

County  
courts may  
establish  
toll bridges

Sec. 19. *Be it further enacted by the authority aforesaid*, That the county court before granting a license to any person or persons to build a toll bridge or causeway as authorised in the seventeenth section of this act, shall take a bond in the same way and manner as is prescribed in establishing ferries, for a sum not exceeding one thousand dollars; and if any person or persons shall at any time sustain damage in consequence of any ferryman or owner of the ferry, or keeper of a toll bridge or causeway, not having complied with the conditions of his or their bond, the person or persons so damaged may bring an action of

Keepers  
of toll  
bridges  
to give  
bond.

Penalty for non-performance or neglect of duty. debt against such ferryman or owner of such ferry, or keepers of a toll bridge or causeway, on his or their bond, in the name of the court of the proper county, and recover judgment for non-performance of the said conditions, for so much damage as he, she, or they, may have sustained; and thereupon take out execution and cause the money to be made, and when made to apply the same to his, her, or their use, which bond shall not be void upon the first or any other recovery; and it shall and may be lawful, for any person or persons detained at any public ferry by reason of the ferryman's not having good and sufficient boats, or other proper craft, and hands, or by neglecting to do his duty, may, by warrant from a justice of the peace, recover of such ferryman, or owner of such ferry, the sum of ten dollars for every default or neglect, *Provided*, that any such recovery shall not be a bar to any action for damages sustained by any person by reason of insufficiency of said ferries and bridges.

Penalty for establishing ferry without license. Sec. 20. *Be it further enacted by the authority aforesaid*, That if any person or persons shall establish a public ferry or a public road, toll bridge or causeway, contrary to the provisions of this act, he or they shall forfeit and pay five hundred dollars, for every public ferry and public road, toll bridge, or causeway, so established, to be recovered by indictment or presentment by a grand jury in the circuit court of the county or counties in which such ferry, toll bridge or causeway, shall be so established, and every person or persons who may have any licensed ferry, toll bridge, or causeway, and who shall demand and take a greater toll, than is allowed him or them by law, or by order of the county court, shall forfeit and pay the sum of five dollars for each and every such offence, to be recovered by indictment, or presentment of a grand jury as prescribed in the foregoing part of this section.

Judges to give this act in charge to grand jury. Sec. 21. *Be it further enacted by the authority aforesaid*, That it shall be the duty of the Judges of the several circuit courts of this State, to give in charge to the grand juries of the different counties, at the opening of each term of said courts; this act, and the said grand jury shall present the overseers of every public road, bridge, and causeway, as well as the owners and keepers of the toll bridges, causeways and ferries, which shall not or may not have been kept in such order and repair as required by law, and every person or persons who may have altered any public road, without having obtained an order of court therefor, as is directed by the provisions of this act, or any such person or persons, who may have erected any fence, or bar, impediment, or fell trees or brush in any public road, contrary to this act; and it shall be the duty of the solicitor of the circuit courts, upon such presentments made by the grand jury, after giving such defaulter three days notice, to move the court for judgment against such defaulter or defaulters, in the same way as is prescribed in the fourth section of this act; provided however, that the court shall hear the excuse of any overseer or other person, who may have violated the provisions of this section of this act, and on good cause being shown for default, then and in that case, no judgement shall be awarded.

Overseers of roads in this State, may, and are hereby authorized to contract with a carpenter to make all Mile Posts and index boards necessary for his district or precinct, of good durable wood, and for cutting the mile posts and index figures on the former and painting the latter, both of which shall be done in a good and proper manner, and it shall be the duty of said over-

ster to attest his account and deliver the same to the county court, who shall order the amount to be paid by the county treasurer, out of any monies in the treasury belonging to the road fund.

Sec. 23. *Be it further enacted by the authority aforesaid,* That when it may be necessary to use a wagon to haul materials for any bridge, causeway, or other purpose in repairing roads, the overseer of such road is hereby authorized to exchange the labour of any hands-bound to work on such road, for the use of a wagon or wagons and teams to be employed as aforesaid, and if any overseer finds it impracticable to make such arrangement, he is hereby authorized to hire a wagon or wagons when necessary, and present his account on oath to the county court, for the hire of the same, who shall pay the amount out of any monies in the county treasury belonging to the road fund.

Sec. 24. *Be it further enacted by the authority aforesaid,* That all persons liable to work on Public Roads, living within five miles of any part of any public road, may be apportioned to work on the same, and all persons liable to work on public roads living within three miles of any new road about to be opened, shall work on the same; *Provided* nevertheless, that persons liable to work on public roads, living within ten miles of the state road, leading from the town of Cahawba to the town of Claiborne, and which was established by an act of the General Assembly passed at Huntsville on the seventeenth day of December one thousand eight hundred and nineteen, may be apportioned to and compelled to work on the same; and *Provided also*, that all persons liable to work on public roads and living within ten miles of the main public road, leading from the town of St. Stephens, to the city of Mobile, and south of Bassets Creek on said road, shall work on the same. *Provided*, That it shall be the duty of all persons liable to work on public roads to work on some road; and when any person or persons live at a greater distance than five miles from any road, they shall be apportioned to work on that nearest them.

Sec. 25. *Be it further enacted by the authority aforesaid,* That no new road shall be cut out hereafter, between the first day of March and the tenth day of July of each and every year.

Sec. 26. *Be it further enacted by the authority aforesaid,* That it is hereby made the duty of all overseers, Justice of the Peace, Clerks of the Inferior and Circuit Courts or other officers, into whose hands may be paid any monies arising from fines, penalties or forfeitures, under this act, to pay the same over to the county treasurer of the county in which the same may be, within ten days after the same may come to his or their hands; and if any overseer, Justice of the Peace, Clerks of the Inferior or Circuit Court, or other officer fails or neglects to do so, he or they shall forfeit and pay, for every such failure or neglect the sum of sixty dollars, to be recovered by judgment of the Circuit Court had on motion of the solicitor of the district, as prescribed in the fourth section of this act.

Sec. 27. *Be it further enacted by the authority aforesaid,* That it shall be the duty of the county treasurer of the several counties in this state, to receive all monies directed to be paid them by this act, and to keep a separate and distinct account of the same under the title of "Road fund;" which monies shall be exclusively under the control of the County Court, and shall be appropriated by them only for the purpose of opening new roads, building and repairing bridges, causeways and public roads.

Sec. 28. *And be it further enacted,* That if any person shall be guilty of defacing or pulling down any mile post or index board and be-

Overseer may exchange service of hands for use of wagon.

Hands within certain distance liable to work

Proviso.

No new road to be cut betw'n March and July.

All fines to be paid to county Treasurer.

Treasurer to keep an account of road fund.

**Penalty** ing convicted thereof before any Justice of the peace for said county, for default shall forfeit and pay ten dollars, for every such offence, to be applied to the improvement of such road.

**Sec. 29.** *Be it further enacted by the authority aforesaid,* That this act shall take effect from and after the passage thereof, and that all acts and parts of acts, now in force in this state, on the subject of public Roads, Bridges, Causeways and Ferries, be, and the same are hereby repealed.

**Sec. 30.** *And be it further enacted,* That all commissioners appointed by the court, to lay out roads, and to apportion hands on any road who **Penalty** may refuse or neglect to perform the duty assigned him or them, for neglect of duty in shall each forfeit for every such failure or neglect the sum of ten dollars to be recovered as is provided in the fourth section of this act. com'rs.

*Provided nevertheless,* that such fine shall not be imposed when a good and sufficient excuse may be offered.

**Sec. 31.** *And be it further enacted,* That in all cases of default in working on roads, or in apportioning hands to work on public roads the **Default-** or may make ex- cuse. which shall be subscribed by said defaulter, and certified by said magistrate and the court shall determine on such certified deposition, whether such fine shall be imposed. [Approved Dec. 21st, 1820.]

## An Act to provide for assessing and collecting of taxes and for taking the Census of this State.

**Sec. 1.** *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the county courts **Co. court** within the several counties in this state, shall appoint annually, on the to appoint fourth Monday in January, or sooner if the court be in session, one Justice of the Peace in each and every Captain's muster district within their respective counties, whose duty it shall hereafter be to receive and take lists of taxable property and polls in and for the districts respectively for which they may be so appointed; and it shall be the duty of the clerks of the several county courts aforesaid, forthwith to give notice thereof with a list of the names of the said Justices, and of the districts for which they were appointed, by advertising the same at the court house door; and the aforesaid clerks shall also issue notice of such appointment to the sheriff of their respective counties, who shall within ten days thereafter, serve the same on the justices so appointed.

**Sec. 2.** *And be it further enacted,* That it is hereby made the duty of the Justices so appointed, to advertise in their several districts, at three or more of the most public places therein, at least ten days previous to the days hereinafter established for giving in lists of taxable property, of the place or places whereat attendance will be given to receive the same: *Provided* that the said Justice shall attend at least two days of the time of giving in, at the muster ground of their respective districts.

**Sec. 3.** *And be it further enacted,* That the last twenty five working days in March in every year, be and the same are hereby established as the time when the lists of taxable property shall be given in, in every county in this state; and it is hereby made the duty of all persons having or owning any taxable property, to give in written lists of the same on oath, to be administered by the Justice appointed as aforesaid to receive the same, in and for the districts respectively where the property may be, and all persons failing so to do, shall be deemed delinquents and shall pay a two fold tax; *Provided* all ways that in case of sickness or absence on business from the county, of any person having or owning taxable property, it shall be lawful for such person to send their lists of taxables to the Justice, sworn to before any other Justice of the peace in the state, or any person may render his list of taxables sworn to by his agent.

Sec. 4. *And be it further enacted*, That after the expiration of the aforementioned days of giving in, it shall be the duty of each and every Justice appointed to make a list of all delinquents of his district that he may have knowledge of, or be able to ascertain by reference to the tax list of the preceding year, and at the expiration of ten days thereafter, it shall be the duty of the said Justice of each district, to make return to the clerk of the county court of his county, one list of all property and names of the persons giving in the same, and one list of the property and names of the delinquents of his district, that may have come to his knowledge.

Sec. 5. *And be it further enacted*, That it is hereby made the duty of the clerks of the several county courts within twenty days after the Justices have made their returns as directed by this act, to make three fair and accurate copies of the whole of the returns arranged in alphabetical order, with the amount of the taxes for the year assessed thereon, and the several amounts of the different persons owing or giving in the same, correctly carried out and extended; one of which copies on application shall issue to the sheriff, or person appointed to collect the same; one copy he shall transmit, as soon thereafter as practicable, to the Comptroller; and the other, he shall retain in his office, for the inspection of any person applying to examine the same; and the said clerks respectively shall receive for each and every copy so made out and disposed of, at the rate of twenty five cents for every hundred names, composing the aforesaid copies, to be paid out of any money in the Treasury; and the Comptroller shall issue his warrant in favor of the clerks respectively, on the receipt of the copy to him directed.

Sec. 6. *And be it further enacted*, That any clerk failing or neglecting to comply with the duties required in this act, shall for every failure or neglect pay a fine of twenty dollars recoverable before any court having jurisdiction thereof—one half to the use of the informer and the other half to the use of the state.

Sec. 7. *And be it further enacted*, That in case any Justice appointed as aforesaid shall become incapable, die, or remove out of the county before the duties of his appointment shall be performed, it shall be the duty of the chief justice of the county court upon information or knowledge thereof, to appoint another Justice or some other fit and proper person, in and for the district where such vacancy may occur, and being notified of the same shall perform the same duties, and be under the same restrictions and responsibilities as is required of Justices appointed by the court—*Provided* that every person who may be appointed to take the list of taxes and census as above provided shall before they enter upon the duties of their office take and subscribe the following oath or affirmation, to wit: I, A. B. do solemnly swear or affirm (as the case may be) that I will well and truly take the lists of taxable property and census of the inhabitants agreeably to the law—to best of my ability; so help me God.

Sec. 8. *And be it further enacted*, That from and after the passage of this act it shall be the duty of the sheriffs of the several counties in the state to collect the taxes in their respective counties, and who before entering upon the collection of the same, shall give bond with good and sufficient security to be approved by the chief Justice of the county court, payable to the Governor for the time being or his successors in office, in double the amount of the taxes, conditioned for the faithful performance, and paying over the same into the Treasury; and the respective sheriffs shall proceed after the first Monday in May in each and every year to collect the taxes and shall pay into the public treasury all monies which may be due from them respectively, on or before the first Monday in November in each and every year.

Sec. 9. *And be it further enacted*, That all lists of taxes as delivered to the persons appointed to collect the same, shall be considered as having the force and effect of an execution: and it shall be lawful for all collectors of taxes

Clerks to make lists for Coll'or.

compensation.

Penalty for neglect.

Chief Justice to fill vacancies.

Oath.

Sheriffs to collect taxes.

Tax lists given to Collectors.

from and after the first day of July in each and every year to proceed to make distress and sale of the goods and chattels, lands and tenements of all persons in arrears for taxes in the same manner as now provided for by law.

**Sec. 10.** *And be it further enacted,* That all persons who have heretofore been, or hereafter may be appointed to collect the taxes of any county in this state, be, and the same are hereby authorized and empowered to collect all arrears of taxes that are now, or may at any time hereafter remain due and unpaid to the persons appointed to collect the same, under the same regulations as are prescribed for the collection of taxes in other cases.

**Collector's compensation.** **Sec. 11.** *And be it further enacted,* That the sheriff shall be allowed to retain as compensation for collecting the taxes at the following rates to wit: For all sums not exceeding five hundred dollars, six per centum—for all sums over five hundred and not exceeding one thousand dollars, five per centum—for all sums over one thousand dollars, and not exceeding two thousand dollars, four per centum—for all sums over two thousand and not exceeding three thousand dollars, three per centum, and for all sums over three thousand dollars two per centum.

**Census to be taken.** **Sec. 12.** *And be it further enacted,* That the justices or other persons appointed as aforesaid in pursuance to this act, whose duty it may be to take lists of taxable property for the year one thousand eight hundred and twenty one, shall take the whole enumeration of the inhabitants of their districts respectively, in manner and form as hereinafter directed and required, and to make return thereof to the clerks of their respective county courts, at or before the first Monday in August, next following each enumeration.

**Heads of families to give males.** **Sec. 13.** *And be it further enacted,* That it is hereby made the duty of all inhabitants being heads of families and persons not belonging to any particular family, to render a true and faithful estimate to the justices or other persons appointed as aforesaid for their respective districts; such estimate from heads of families shall contain an enumeration of the inhabitants, belonging to his or her family making a correct distinction between the number of white males over the age of twenty one years, of white males under the age of twenty one years, of white females over the age of twenty one years, of white females under the age of twenty one years, total of free people of color (indians not taxed excepted) and the total of slaves.

**Penalty for false estimates.** **Sec. 14.** *And be it further enacted,* That it shall be the duty of the Justices or other persons appointed as aforesaid in their districts respectively, to claim and receive of all heads of families and other persons as described in the preceding section, the estimates which they are therein required to furnish; and if any person shall fail to make a return of him or herself or family or any part thereof being thereunto requested by the Justice or other person appointed as aforesaid, or shall knowingly make any false or improper return, he or she shall be subject to be fined twenty dollars by any court having jurisdiction thereof, one half to the use of the informer, and the other half to the use of the county.

**Census form.** **Sec. 15.** *And be it further enacted,* That the following form shall be adopted and used by each and every justice or person appointed to take the census for the classification of the inhabitants:

|                             |                            |                             |                              |                               |                             |                                 |                  |                       |
|-----------------------------|----------------------------|-----------------------------|------------------------------|-------------------------------|-----------------------------|---------------------------------|------------------|-----------------------|
| Names of heads of Families. | White males over 21 years. | White males under 21 years. | White females over 21 years. | White females under 21 years. | Total of white inhabitants. | Total of free people of colour. | Total of slaves. | Total of inhabitants. |
|-----------------------------|----------------------------|-----------------------------|------------------------------|-------------------------------|-----------------------------|---------------------------------|------------------|-----------------------|

**Sec. 16.** *And be it further enacted,* That every Justice or other person appointed as aforesaid and performing the duties herein required shall be

allowed and receive as a compensation for taking the census at the rate of fifty cents for each and every hundred inhabitants taken by him in the district to which he was appointed, to be paid out of the county treasury, out of any money in the treasury of his county, upon the presentment of the certificate of the clerk specifying the number of inhabitants returned by him. And any Justice or other person appointed as aforesaid and failing to comply with the true intent and meaning of this act shall be subject to pay a fine of one hundred dollars recoverable before any court having jurisdiction thereof, one half to the use of the person suing and the other half to the use of the county.

Sec. 17. *And be it further enacted*, That it is hereby made the duty of Clerks to Clerks of the county courts of the several counties in this state, after the return justices have made their returns as herein directed and required, to make out one fair and accurate copy of the whole of the returns of the census of the several districts of their respective counties, and to transmit the same to the Secretary of State on or before the commencement of the next ensuing session of the General Assembly.

Sec. 18. *And be it further enacted*, That all laws and parts of laws repugnant to this act be and the same are hereby repealed.

[Approved. Dec 22, 1820.]

## An Act for the collection of monies due the State, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That when any collector of the revenue or other person accountable for public money, shall neglect to pay the same into the treasury, by the time which by law, he shall be required to do, it shall be the duty of the Comptroller of public accounts, and he is hereby required immediately to institute suit for the recovery of the same, by notifying such delinquent collector or other person, his security or securities, their executors, or administrators, that he will by the Attorney General on such a day as shall be named in such notice, before the circuit court of Dallas county, move for judgment against him or them, and his security or securities for the amount due to the State. And service of such notice shall be made on the defendant or defendants, by the Sheriff of the county, where the defendant or defendants may be found; at least fifteen days previously to the day on which the motion shall be made; and it shall be the duty of the Sheriffs of the several counties respectively on the receipt of every such notice immediately and without delay to execute the same by serving the defendant or defendants with a copy thereof, and to return the original with an account of his proceedings on the back thereof, to the clerk of the circuit court of Dallas county, on or before the day appointed for such motion to be made; for which service the Sheriff shall be entitled to receive the same pay that is allowed for the service of writs, and the notice so served and returned shall be deemed the leading process in the suit.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Judge of the circuit court for the circuit, embracing the county of Dallas, on the request of the Comptroller for that purpose made to hold a special session of said court, at the town of Cahawba, for the purpose aforesaid, and in such case the Judge shall issue his warrant under his hand and seal directed to the clerk of said court, who shall thereupon give notice to the Attorney General, and the other officers of the court

and shall issue all necessary process returnable to said special session, which process the Sheriffs of the several counties, respectively, to whom the same may be directed, shall be bound to execute under the same limitations and restrictions, as in the case of a regular court in courts.

*Transcript from Comptroller's books sufficient evidence.* Sec. 3. And be it further enacted, That in every case of delinquency, where suit shall be instituted as aforesaid, a transcript from the books and proceedings of the Comptroller authenticated under the seal of his department, shall be admitted as evidence, and the court trying the cause shall be thereupon authorised to grant judgment for the amount due the State, together with fifteen per centum damages, and interest of eight per centum per annum, from the day on which the same became due, and award execution accordingly. And all copies of bonds, contracts, and other papers, relating to or connected with the accounts between this State and any individual, when certified by the Comptroller to be true copies of the originals on file, and authenticated under the seal of his department as aforesaid, may be annexed to such transcripts, and shall have equal validity, and be entitled to the same degree of credit which would be due to the original papers if produced and authenticated in open court; *Provided*, that when suit is brought upon bond or other sealed instrument, and the delinquent shall plead

*For cost damages.*

*Transcript as authentic as originals.*

*Proviso.*

"Non est factum," or upon motion to the courts, such plea or motion being verified by the oath of the defendant it shall be lawful for the court to take the same into consideration; and if it shall appear to be necessary for the attainment of justice to require the production of the original bond, contract, or other paper, specified in such affidavit.

*Judgment to be given at return term.*

Sec. 4. And be it further enacted, That when suit shall be instituted as aforesaid against any person or persons indebted to this State as aforesaid, it shall be the duty of the court, to grant judgment at the return term on motion; unless the defendant shall in open court, the Attorney General being present, make oath or affirmation, that he is equitably entitled to credits which have not been allowed him, specifying each particular credit in the affidavit, and that he cannot then come safely to trial, oath or affirmation to this effect being made, subscribed and filed, if the court be thereupon satisfied, a continuance until the next succeeding term may be granted, but not otherwise; *Provided*, that in all cases where the defendant shall appear and contest the claim of the State, and demand the benefit of a trial by jury, the court shall *instanter*, empanel a jury, if at a special session, or by standers to try the issue, and give judgment accordingly.

*Trial by jury.*

*The State shall have preference in case of insolvency.*

Sec. 5. And be it further enacted, That hereafter in all cases of insolvency, or when any estate in the hands of the executors, administrators or assignees, shall be insufficient to pay all the debts due from the deceased to the State, the debt or debts due to the State, shall be first satisfied; and any executor, administrator or assignee or other person, who shall pay any debt due by the person or estate, from whom, or for which, they are acting previous to the debt or debts due to the State from such person or estate, being first duly satisfied and paid, shall become answerable in their own person and estate, for the debt or debts so due to the State, or so much thereof as may remain due and unpaid; and actions or suits at law may be commenced against them for the recovery of said debt or debts, or so much thereof as may remain due and unpaid, in the proper court having cognizance thereof. *Provided*, that if the principal in any bond which shall be hereafter given to this State, shall become insolvent, or if such principal being

deceased, his or her estate and effects; which shall come to the hands of his or her executors, administrators or assignees, shall be insufficient for the payment of his or her debts, and if in either of said cases, any surety, on the said bond or bonds, or the executors, administrators, assignees of such surety, shall pay to the State the money due upon such bond or bonds, such surety, his or her executors, administrators or assignees, shall have and enjoy the like advantage, priority or preference, for the recovery and receipt of the said monies out of the estate of such insolvent or deceased principal, as are reserved and secured to the State, and shall and may bring and maintain a suit or suits upon the said bond or bond in law or equity, in his, her, or their own name or names, for the recovery of all monies paid thereon. And the cases of insolvency mentioned in this section shall be deemed to extend to cases in which a debtor not having sufficient property to pay all his or her debts, shall have made a voluntary assignment thereof, and to cases in which the estate and effects of an absconding, concealed or absent debtor, shall have been attached by process of law.

Statutes  
entitled to  
smaller pre-  
ference.

Sec. 6. *And be it further enacted*, That if any bond, contract or other paper, relating to, or connected with any account between this State and any individual, has been or hereafter shall be, lost or mislaid, so that the same cannot be produced in court, it shall be lawful for the court to receive evidence of the fact, and of the contents of such bond, contract or other paper, and such evidence shall be entitled to the same degree of credit, which would be due to the original papers if produced and authenticated in open court.

Evidence  
of the con-  
tents of a  
lost bond—  
sufficient.

Sec. 7. *And be it further enacted*, That nothing in this act shall be construed to repeal, take away or impair any legal remedy or remedies, for the recovery of debts now due or hereafter to be due to this State, in law or equity, from any person or persons whatever, or to defeat any suit or suits now pending in behalf of the State against any person or persons whatever, which remedy or remedies might be used if this act was not in force.

No reme-  
dies to be  
taken away  
by this act.

Sec. 8. *And be it further enacted*, That where any person or persons shall have any claim against this State, and shall be desirous to institute suit for the recovery thereof, such person or persons, may petition the supreme court setting forth in such petition the nature of such claim, and that he is desirous to have an investigation thereof, and the said person or persons shall at the same time give notice of such petition to the Attorney General; and it shall be the duty of said supreme court upon presentation of said petition to appoint any two of the Judges of said court to form a court for the trial of such suit and shall appoint a time as soon after the adjournment of the supreme court as may be for such trial to be had; and the clerk of the supreme court shall be the clerk of said court for the trial of said suit, and he shall issue all necessary process, which shall be served and returned by the proper officer or officers to whom the same may be directed, as in other cases: and it shall be the duty of the Sheriff of Dallas county to attend said court, and execute all orders thereof, and of the Attorney General to attend said court in behalf of the State.

Remedy a-  
gainst the  
state, how  
prosecuted

Sec. 9. *And be it further enacted*, That it shall be the duty of the court, to receive and record all testimony applicable to the merits of the case, and to give judgment for or against the State as to justice shall appear. *Provided*, that if the plaintiff shall demand a trial by jury, the court shall thereupon empanel a jury of by-standers, and it shall be the duty of said jury in all cases to return a special verdict, and in

Court shall  
record tes-  
timony un-  
der trial by  
jury

that case, it shall not be the duty of the court to record the testimony; but the judgment of the court shall be rendered upon such verdict.

Sec. 10. *And be it further enacted*, That if the decision of the court shall be for the State, judgment shall be entered against the plaintiff for cost and execution shall issue against him accordingly. But if judgment shall be rendered against the State, it shall be the duty of the clerk to make out two complete transcripts of the proceedings certified under his hand and seal, one of which he shall deliver to the Speaker of the House of Representatives, on or before the third day of the next succeeding session of the General Assembly, and shall deliver the other to the plaintiff in the suit; *Provided*, that nothing herein contained shall be so construed as to debar any person, having a claim against the State, from at any time laying the same before the General Assembly.

[Approved, December 16, 1820.]

### An Act to amend an act passed December 23d 1815, fixing a standard for measures.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Clerks of the county courts of each county in this state, shall, immediately after the passage of this act, procure from Huntsville, St. Stephens or Mobile, one set of measures, according to the standard of measures provided for in the Mississippi territory: and the same shall be the lawful measures of the state of Alabama; that is to say, one half bushel, one peck, and one half peck, dry measure, to be made of good and durable wood;—Also, one set of liquid measures, that it is to say; One of a gallon, one of a half gallon, one quart, one pint, one half pint, and one gill, to be made of tin, pewter, or copper; which said measures shall be deposited in the clerk's office in each county, and kept by said clerks.

Sec. 2. *And be it further enacted*, That after the above named measures are procured, the clerk of each county court, as aforesaid, shall make known the same, by advertisement at the door of his respective court house or place of holding court. And all persons, who shall hereafter keep measures for the purpose of selling by said measures, shall present all such measures to the clerk, who shall examine the same, and, on finding them to agree with the measures herein directed to be procured, shall stamp or brand the same with the initials A. S. And the said clerk may claim and receive twelve and a half cents for each measure so branded or stamped. *Provided*, nothing in this act shall be so construed, as to operate on any measure or weight heretofore tried by said standard of weights and measures, and stamped under the laws of the Alabama Territory.

Sec. 3. *And be it further enacted*, That from and after the first day of June next, if any person within this state shall sell by any other measures than those pointed out by this act he or she shall for every such offence pay the sum of ten dollars to be recovered before any Justice of the peace in the county where such offence may be committed; and the sum so recovered shall be paid over to the person suing for the same.

Sec. 4. *And be it further enacted*, That the clerks of the several county courts are hereby made the keepers of the measures herein named; and before they or either of them enter on the duties of that office, they shall take and subscribe the following oath, to be adminis-

tered by any Justice of the peace of said county; "I----- do solemnly swear, that I will in all things act with justice and faithfulness in my appointment as keeper of the measures for said county, according to law and to the best of my skill and judgment; so help me God."

Sec. 5. *And be it further enacted*, That all expenses that may be incurred in procuring said measures for the several counties in this state, shall be paid by the Treasurer of the county to the clerk for procuring the same. And this act shall continue in force until altered by the state or until the United States shall pass a law fixing a standard for measures. Clerk's  
oath.  
Expenses  
to be paid  
by the Co.  
Treasurer.

[Approved Dec. 16, 1820.]

## **An Act to provide for a renewal of the loan effected in the Planters and Merchants Bank of Huntsville, for and in behalf of this State.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Honorable Thomas Bibb, acting Governor of the state, and his successors in office, be, and he is hereby authorized, and directed to arrange and effect with the Planters and Merchants Bank of Huntsville, a renewal and continuance of the loan of ten thousand dollars procured from the said Bank by his Excellency William W. Bibb, late Governor of this state, in pursuance of a joint resolution of the General Assembly at their last session. Governor  
to effect a  
renewal.

Sec. 2. *Be it further enacted, by the authority aforesaid*, That the said loan of ten thousand dollars, which will become due from this state to the said Bank, on the twenty fourth and twenty seventh days of December next, shall be renewed as aforesaid in behalf of this state for and during the year one thousand eight hundred and twenty one, and that so much as may be necessary of the tax due from the said Bank of Huntsville to this state, amounting to seven hundred and forty two dollars and seventy five cents, shall be applied to the payment of the sum which will become due to the said bank on the renewal of the said loan of ten thousand dollars; and that the balance, if any, shall be applied to further renewals or to the payment of the principal of said loan. Tax due to  
pay dis-  
count.

Sec. 3. *And be it further enacted by the authority aforesaid*, That so much as may be necessary of the revenue of this State, for the year one thousand eight hundred and twenty one, and all monies in the treasury, not otherwise appropriated, shall be pledged for the payment of the said renewed loan of ten thousand dollars, to the said Planters and Merchants Bank of Huntsville. Revenue  
pledged.

[Approved November 24th, 1820.]

## **An Act giving jurisdiction over water courses.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the jurisdiction over all rivers not included in the bounds of any county in this state, is hereby given to the county or counties, whose jurisdiction now extends to the margin thereof. And it shall be lawful for the proper officer to execute any process to him directed, on the body or property of the defendant therein named, as well on said river as in other parts of such county or counties. All process thus executed shall be as valid, as if executed in the body of the county. This act shall commence and be in force from and after the passage thereof.

[Approved December 20, 1820.]

## An Act to incorporate the town of Erie in the county of Greene

*Corporate limits* Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all that tract of country situate on the east bank of the Tuscaloosa River in range three east, and township twenty, including all of the town known by the name of Erie agreeably to the plan of the same as adopted by the proprietors thereof, is hereby incorporated and shall be called and known by the name of Erie.

*Council* Sec. 2. *And be it further enacted,* That James A. Torbert, Thomas H. Herndon, Francis T. Gaines, Durret White, Anthony D. Kindard, Howell L. Kennon, and Hiram Shortridge be, and the same are hereby constituted a body corporate, by the name and style of the Intendant and Council of the Town of Erie, who shall hold their office until the first Monday in January, one thousand eight hundred and twenty two: *Corporate powers.* And the said corporation is hereby endowed with the same power, and privileges, and shall be subject to the same restrictions and regulations, and in all their proceedings, shall be governed in the same manner as is provided for in an act entitled an act to incorporate the town of Montgomery, in the county of Montgomery, passed at Huntsville the third day of December, Anno Domini eighteen hundred and nineteen. [Approved, December 18th, 1820.]

## An Act to authorize Lemuel Mead to emancipate a Negro man Slave named Richmond.

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Lemuel Mead, of the County of Madison, be, and he is hereby authorized and empowered to emancipate a certain negro man slave called Richmond Richardson, so soon as the said Lemuel Mead, shall have executed to the chief Justice or Chairman of the county court of Madison and his successors in office a bond with sufficient security to be approved by the county court, conditioned that the said negro man Richmond, commonly called Richmond Richardson, so liberated shall not become chargeable to this State, or any county or town within the same. [Approved, Dec. 4th, 1820.]

## An Act to authorize John N. S. Jones and Alexander P. Jones to emancipate certain slaves therein named.

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John N. S. Jones and Alexander P. Jones of the county of Madison, be and they are hereby authorized and empowered to manumit and set free a mulatto woman, named Elizabeth, aged forty years; a mulatto girl, named Evelina, aged thirteen years; a mulatto girl named Ann, aged six years; and a mulatto child, named Shandy, aged three years, so soon as the said John N. S. Jones, and Alexander P. Jones shall have executed to the Chief Justice of the county court of Madison county and his successors in office, a bond with sufficient security, to be approved of by the County Court; conditioned, that the said slaves, Elizabeth, Evelina, Ann and Shandy, or either of them shall never become chargeable to the state of Alabama or any County or Town therein. [Approved, Dec. 11th, 1820.]

## An Act prescribing the mode of making out and authenticating accounts against this state.

WHEREAS, from the vague and indefinite manner in which accounts are made out against the state, and the unsatisfactory manner in which they are usually attested, many frauds may be practised and errors committed in the settlement of the same: Therefore

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, all accounts exhibited against this state shall have every charge distinctly made out and clearly defined and shall be transmitted to the Comptroller of public accounts on or before the first day of October in each and every year, and it shall be his duty to audit the same and make his remarks on each and lay them before the Legislature within ten days after their meeting.

Sec. 2. *Be it further enacted,* That from and after the passing of this act, all accounts against this state shall be certified by such officers only as are known to the law, and who directed the respective duties and services to be performed for the public; and said accounts shall also be attested, which attestation shall be subscribed by the party making the demand, and to be as follows: \_\_\_\_\_ County: Personally appeared A. B. before me C. D. who after being duly sworn saith that the above, or within account of ..... dollars ..... cents is truly and justly due him from the state of Alabama, and that he has never received any part thereof, either by discount or otherwise, directly or indirectly—witness my hand \_\_\_\_\_ A. B. Sworn to before me this \_\_\_\_ day of \_\_\_\_\_ C. D. Justice of the peace.

Accounts against the state to be specifically stated.

By whom to be certified.

Form of attestation.

Sec. 7. *Be it further enacted,* That hereafter all accounts not made out and authenticated according to the provisions of this act, shall not be paid, until the same is done according to the requisitions of this act. [Approved, Dec. 20th, 1820.]

## An Act to change the name of the County of Cahawba, to that of Bibb.

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the county of Cahawba shall be called and known by the name of Bibb.

Sec. 2. *Be it further enacted,* That all rights, actions prosecutions, claims and contracts as well of individuals as of bodies corporate shall continue as if no change in the name of the county of Cahawba had taken place, and all process running in the name of the county of Cahawba shall hereafter run in the name of the county of Bibb.

Sec. 3. *Be it further enacted,* That all officers both civil and military, holding commissions or appointments in the said county of Cahawba, continue the same in the county of Bibb, during their legal or constitutional period.

Sec. 4. *Be it further enacted,* That all laws and parts of laws relating to the county of Cahawba, shall be construed to relate to the county of Bibb.

Sec. 5. *Be it further enacted,* That all acts and parts of acts contrary to the provisions of this act be and the same are hereby repealed.

[Approved, December 4, 1820.]

Repealing

## An Act for the relief of Securities.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in all cases where suit is, or may hereafter be brought on any joint, or joint and several bond, or note, and but one of the obligors, or payors, shall be served with process, it shall and may be lawful for such obligor, or payor, to give notice in writing to the other obligors, or payors, ten days before the trial term of said suit, that he has been sued on such bond, or note, and that he will, at the time when said suit is tried against him, move the court where such suit is depending, for judgment against him or them. And it shall be the duty of said court, upon sufficient proof, to give judgment according to the right and justice of the case, and direct execution to issue either for the obligee or payee, in such bond or note, or for the plaintiff in the motion, as may best comport with the justice of the case, and the rights of the parties, and with such endorsements as may be necessary to effect the object; and the executions in both cases, shall be put into the hands of the sheriff or other officer at the same time.

Sec. 2. *And be it further enacted,* That in all cases of motions being made as aforesaid, the defendant therein may plead any plea which may be necessary to try the cause, according to the right and justice thereof, and a jury shall be empanelled to try the issue joined between the parties as in other cases. [Approved, December 18, 1820.]

**An Act amendatory of an act, entitled an act, to provide for the sale of lots in the town of Cahawba, and for other purposes. And of an act, entitled an act providing for the temporary and permanent seat of government.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That on all lots already sold or hereafter to be sold in the town of Cahawba, by the Governor, for the benefit of the State, under the provisions of an act, entitled "An act, to provide for the sale of lots in the town of Cahawba, and for other purposes." And of an act, entitled "an act, providing for the temporary and permanent seat of government," interest shall not accrue to the State only from the time the payments respectively become due, and shall be demanded and exacted on each payment, only at the rate of eight per centum.

Sec. 2. *And be it further enacted,* That all acts and parts of acts repugnant to, or inconsistent with this act or any part thereof be, and the same are hereby repealed. [Approved, November 14, 1820.]

**An Act to prevent obstructing or diverting from the natural channel, any water course which would otherwise flow through the land of any person.**

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passing of this act, it shall not be lawful for any person or persons, under any pretence whatever, to obstruct or divert any stream of water from its natural channel, which would otherwise flow through the land of any other person.

Sec. 2. *And be it further enacted,* That if any person shall violate the provisions of this act, he shall be liable to the action of the party aggrieved thereby. [Approved, Dec. 18, 1820.]

## An act for the government of the port and harbour of Blakeley.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the President and Commissioners of the town of Blakeley be, and they are hereby authorised to appoint from time to time, as often as may be requisite, some proper person to be harbour master of the port of Blakeley, and who shall before he enters upon the duties of his office take an oath before a Justice of the Peace, or either of the Justices of the county court, truly, faithfully and impartially to execute the duties required of him by this act. Comrs of the town to appoint a Harb. Master.

Sec. 2. *And be it further enacted,* That the said harbour master shall have authority to regulate and station all ships and vessels of every kind in the harbour of Blakeley, within the limits of the corporation of said town, and at the wharves thereof, and also in the rivers Tensa and Appalache, within any distance not exceeding two miles from the foot of Washington-street in said town, and to remove from time to time, such ships or vessels as are not employed in receiving or discharging their cargoes to make room for such others as require to be immediately accommodated, for the purpose of receiving and discharging theirs; and as to the fact of their being fairly and actually employed in receiving and discharging their cargoes; the said harbour master is hereby constituted the sole judge, and the said harbor master shall have authority to determine how far and in what instances it shall be the duty of the master and others having charge of ships and vessels, to accommodate each other in their respective stations; and if any master or other person shall resist or oppose the said harbor-master in the execution of the duties of his office, such master or other person having charge of any ship or vessel, or other person whatsoever, shall for every such offence forfeit and pay the sum of fifty dollars, to be recovered with costs of suit, in the name of the President and Commissioners of the town of Blakeley, before any court having cognizance thereof, all of which fines when collected, shall be paid to the Treasurer of the said town for the use, and benefit of the inhabitants thereof. Powers of Harb. Master.  
  
Penalty for resisting Harb. Master.

Sec. 3. *And be it further enacted,* That it shall be the duty of the said harbour master, to superintend and enforce the execution of the laws of this State, and the ordinances of the President and commissioners of the town of Blakeley, for preventing and removing all nuisances whatsoever, on and about the wharves, within the corporate limits of said town, and also to cause to be extinguished whenever he may think it necessary, all or any fires that may be made upon any of the wharves within said limits. To remove nuisances.

Sec. 4. *And be it further enacted,* That the said harbour master in case of sickness or temporary absence shall have power to appoint a deputy, and the same to remove or displace, and to appoint another in his room. Harb. Master appoint Deputy.

Sec. 5. *And be it further enacted,* That the said harbour master shall have power to demand and receive from the commander, owner, or consignee, or either of them, of every ship or vessel that may enter the port of Blakeley and load, unload, or make fast to any of the wharves within the limits of said town, at and after the rate of three cents per ton, to be computed from the tonnage expressed in the registers of such ships or vessels respectively, and no more; *Provided* always, that owners, masters or consignees of flat-keel-boats, or other Compensation to harbor master.

**River craft** which may be employed in the river trade shall not be obliged to pay the said fees to the harbour master; but upon application of any person having charge of such flat, keel-boat, or other river craft, the said harbour master shall interfere and adjust any difference respecting the situation or position of such flat, keel-boat, or other river craft: which differences the said harbour master is hereby authorized to hear and determine. And the said harbour master may demand and recover in manner aforesaid, from the party in fault, in the premises, the sum of two dollars for adjusting such difference, and no more.

**Master and Wardens** how appointed. **Sec. 6.** And be it further enacted, That the President and commissioners of the town of Blakeley, be, and they are hereby authorized to appoint as often as shall be necessary, one fit and proper person to be master, and three other fit and proper persons to be wardens of the said port of Blakeley, who shall be called the master and wardens of the port of Blakeley. And the master and wardens hereafter to be appointed, shall, before they enter upon the duties of their said offices, severally, take an oath before a justice of the peace, or either of the justices of the county court, truly, faithfully and impartially, to execute the powers and duties enjoined on them by law, as master or warden, (as the case may be) of the port of Blakeley.

**Duties of Master and Wardens.** **Sec. 7.** And be it further enacted, That the said harbour master and wardens, shall keep an office in the town of Blakeley, and shall cause to be made, in a book to be kept for that purpose, an entry of all their proceedings by virtue of this act, to which all persons may have recourse. And the said master and wardens, or any one of them, shall if called upon, by the person commanding any ship or vessel arriving from sea, inspect the manner in which the hatches of such ship or vessel were secured, previous to opening thereof, for the purpose of discharging, and shall be present at the opening of the same; and shall upon every such survey, certify under his hand, how the said hatches appeared to him: for which certificate he shall be entitled to two dollars. And the said masters and wardens, or any two of them, shall be surveyors of damaged goods, brought into the port of Blakeley in any ship or vessel, and with the assistance of one or more skillful carpenters, shall be surveyors of any damaged vessels, and any vessel deemed unfit to proceed to sea: and they shall upon every such survey, certify under their hands how the vessel or vessels so surveyed appeared to them; and shall cause entries to be made in a book to be kept as aforesaid; and for each certificate and entry they shall be entitled to two dollars, and for every duplicate thereof, to one dollar. And the said master and wardens shall severally be entitled to receive for their services as surveyors of damaged goods or vessels, at the rate of three dollars per day. And it shall solely belong to the said master and wardens, or any two of them, to order, and

**Survey of damaged goods and vessels.** direct the sale of damaged goods by public auction, giving notice of such public sale, at least three days before such sale is to take place, in some newspaper published in the county of Mobile, or by posting up notice of such sale in two of the most public places in said county; and at least two of said wardens shall be present at such public sale, and shall certify to the truth of the account of sales of the auctioneer, by whom such damaged goods may be sold; and for such attendance and certificate the said master and wardens shall be entitled to the sum of eight dollars.

[Approved, December 20, 1820.]

## An Act to incorporate the town of Claiborne.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the town of Claiborne, in the county of Monroe, be, and the same is hereby incorporated, and all that tract of land included in the plan of said town, by the general government, be, and the same is hereby declared to be within the limits of the same in conformity to said plan.

Limits of  
corporation

Sec. 2. *And it be further enacted,* That on the first Monday in January in each and every year, an election for seven councillors shall be held at some convenient and public place in said town, who shall serve for the term of one year after they have been elected; which elections shall be conducted by any two of the then acting councillors; and the councillors elected shall on the day succeeding their election in each and every year, meet and elect by a majority of votes from their own body an Intendant, whose duty it shall be to preside at all meetings of the councillors, and in his absence or incapacity to attend, any member may be called to the chair. A majority of said board of councillors shall be competent to do business; and the said board is hereby constituted and declared to be a body politic and corporate, by the name of the Intendant and Council of the town of Claiborne, and by that name shall have and enjoy all the rights, powers and privileges, and be subject to all the liabilities that are incident to bodies corporate.

Council-  
lors to be  
elected.

Style of in-  
corporation

Sec. 3. *And be it further enacted,* That the said corporation shall have full and complete powers to make bye laws and ordinances, of whatever kind, and upon whatever subjects to them may seem right and proper for the good government of the said town, and to affix such fines and penalties as may be deemed necessary to enforce the same, not contrary to the constitution and laws of this State and of the United States.

Corporate  
powers.

Sec. 4. *And be it further enacted,* That the said corporation shall have full and ample power to raise suitable revenue to carry into effect all the objects of the corporation, by designating and declaring by ordinance, what property shall be subject to taxation in what sums, and in what manner the same shall be assessed and collected.

Power to  
impose tax-  
es

Sec. 5. *And be it further enacted,* That the said corporation shall appoint a town marshal, and such other officers as may be deemed necessary.

Town mar-  
shal.

Sec. 6. *And be it further enacted,* That the said Intendant and each of the said councillors, shall ex-officio be vested with all the powers and authorities that justices of the peace are, by the laws of this state, and shall and may exercise the same within the limits of said town, and the said marshal shall ex-officio be constable and be vested with all the powers and authorities, that constables of the county are by the laws of this State within the limits of said town; and the said Intendant and councillors shall be liable to the same penalties and restrictions as justices of the peace are: and the marshal shall be liable in like manner as are constables.

Intendant  
and Coun-  
cillors Jus-  
tices Peace.

Marshal's  
power.

Sec. 7. *And be it further enacted,* That if vacancies occur in the said board of councillors, such vacancy shall be filled by the remaining members of the board, and the member or members so added shall continue in office until the succeeding annual election. And the Intendant, councillors, and other officers shall continue in office until their successors are qualified.

Vacancies  
in Council  
how filled.

Sec. 8. *And be it further enacted*, That the said Intendant, members, councillors, and other officers, shall before they enter upon the duties of their respective offices, take an oath before some person qualified to administer the same, faithfully and correctly to discharge the duties to them committed according to their best abilities, without favour or partiality.

Power to  
appoint pa-  
trols. Sec. 9. *And be it further enacted*, That the said corporation shall have power to appoint patrols within the limits of the said town, whenever it may appear to them to be necessary, and to impose fines and penalties for the non-performance of the duties prescribed for said patrols.

Com's. to  
approve se-  
curities of  
officers. Sec. 10. *And be it further enacted*, That James Simpson, Benjamin Evans and James Dellett, jr. be appointed commissioners to approve of securities required to be given by the officers appointed under and by virtue of this act.  
[Approved, December 20, 1820.]

### An Act to incorporate the Town of Washington in the County of Autauga.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the freeholders, land holders and householders of the town of Washington shall on the third Monday in January next and in each and every year thereafter in said Town hold an election to commence at ten o'clock A. M. and close at five o'clock P. M. and then and there elect by ballot five Commissioners a majority of whom shall constitute a quorum to do business, also a treasurer, assessor, collector and constable to serve for the term of one year; and the said commissioners so elected shall on the next day of each and every such election meet and elect one person from their own body as President, whose duty it shall be to preside and keep order, at all meetings of said commissioners; and the said commissioners shall be and they are hereby constituted a body corporate, by the name and style of the President and Commissioners of the town of Washington, and by that name they and their successors in office, shall be capable in law of suing and being sued, pleading and being impleaded in all manner of suits and actions in law or equity and also do all acts incident to bodies corporate.

President  
to be elect-  
ed. Sec. 2. *And be it further enacted*, That the said commissioners shall have power and authority to raise such sums of money, as they may think, necessary for the well regulation of said Town, which sum or sums, shall be assessed on the land holders, free holders and house holders, and also on all billiard tables and puppet shows within the said town by the assessor according to the regulations to be established by the President and said commissioners, and shall be collected by the collector at such time or times and be paid and disposed of in such manner as the commissioners shall direct, *Provided* the whole amount of such sum or sums shall not in any one year exceed twenty five cents on every hundred dollars worth of property subject to taxation.

Corporate  
powers. Sec. 3. *And be it further enacted*, That the said commissioners shall meet on their own adjournments, and shall have power from time to time, and all times hereafter to make such by-laws and regulations, not inconsistent with the constitution and laws of the United States or of this state as to them shall appear necessary for the good government of said town and the same, to put in execution, revoke or alter as to them shall appear expedient, and the said President and commission-

ers appointed agreeably to the provisions of this act, are hereby empowered to require good and sufficient bond with security from the several officers herein intended to be appointed, and annex such fees to those several officers as they may deem necessary, and impose such fines and penalties for neglect of duty as may appear to them proper, and to make, limit and impose all fines and amercements upon those who may offend the by-laws by them made, not exceeding in any case the sum of fifty dollars and all such fines and amercements, to take, demand and levy of the goods and chattels of such offender by warrant issued from under the hand and seal of the President, directed to the Town constable, who is hereby authorized and required to execute the same, which fines and amercements shall be paid to the Treasurer to be appropriated to the use and benefit of said town.

Sec. 4. *And be it further enacted*, That the elections intended to be held as mentioned in this act, shall be conducted by a justice of the peace and two house holders in the said Town of Washington. Election whom he den.

Sec. 5. *And be it further enacted*, That all that part of fraction thirty three in township seventeen and range sixteen lying, west of Autauga creek and North west of the Alabama river be and the same shall constitute the corporation limits of the town of Washington. Limits of corporation.

[Approved Dec. 14, 1820.]

## An Act to incorporate the Steam-Boat Company of Alabama.

Section 1. *BE it enacted by the Senate and House of Representatives of the state of Alabama in General assembly convened*, That Francis B. Stockton, Francis W. Armstrong, James L. Seabury, Nicholas Pope, and Jonathan Woodward and such others as have or shall be hereafter associated with them, be, and they are hereby constituted and appointed a body corporate, by the name and title of the Steam-Boat Company of Alabama, for the term of ten years from and after the passage of this act; and by that name shall be and they are hereby made able and capable in law to have, purchase, receive and possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of whatever kind, nature and quality, and the same to sell, grant, demise, alien and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all manner of actions, suits, matters and things depending in any court of law or equity; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure: *Provided* always, that it shall not be lawful for the said corporation to use any part of its capital stock or funds for banking purposes, nor to emit for circulation any notes or bills, or make any contracts for the payment of money, except only under the seal of the said Corporation and all such notes and contracts shall to all intents and purposes be taken to operate as specialties at law. Memb of corpora tion.  
Style.  
Corpora powers.  
Corporation not sue not

Sec. 2. *And be it further enacted*, That the capital stock of the said corporation created by this act, shall not exceed the sum of one hundred and eighty two thousand dollars. Stock list ed.

Sec. 3. *And be it further enacted*, That the affairs of the said Steam-Boat company of Alabama, shall be managed and conducted for the present by five directors who shall be stock holders in said company and resident within this state, and who shall hold their offices for one

Directors.

Corpus.

year from the date of the passage of this act, and until there shall be a new election of directors in pursuance of the provisions of this act, and the said first five directors shall be, Francis B. Stockton, Francis W. Armstrong, James L. Seabury, Nicholas Pope, and Jonathan Woodward, out of which number, the said directors at their first meeting shall appoint their President, and a majority of said directors shall constitute a quorum to transact business.

Directors  
be elect-

Miss.

Sec. 4. *And be it further enacted*, That after the time limited by this act for the continuance in office of the directors hereby nominated and appointed, the stock, affairs, and concerns of the said corporation shall be managed and conducted by a board of directors, which shall consist of five stockholders residents of the state, who shall be elected on the first Monday in February in each and every year thereafter, at such time of the day, and at such place in the town of Blakeley, or such other town or place in the State as may be determined on by a majority of the stockholders of said company, and under such regulations as the board of directors of the time being shall appoint and direct; and they shall hold their offices for one year and until others shall be chosen to supply their places and no longer; and notice of such intended election shall be published for at least three successive weeks next preceding the same, in two of the public newspapers printed in this state, and every such election shall be made by ballot by a plurality of the votes, of the stockholders present, allowing one vote for every share, *Provided*, that in case it should at any time happen that an election of directors should not be made, the said corporation for cause shall not be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election of directors in such manner as shall have been regulated by the by-laws and ordinances of the said corporation: *Provided also*, that at all elections to be holden by the Stock holders under this act, they may vote by proxy.

[Approved Nov. 28, 1820.]

## An act, to incorporate the Flint River Navigation Company.

Members  
corpora-

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Fleming Jordan, George Taylor, James M'Cartney, John Sprowl, Stephen Pond, John P. Brown, John Grayson, Dial Perry, David Walker, Ebenezer Byram, Stephen M'Broom, William Derrick and David Cobb, and such persons as shall be associated with them, are hereby constituted and declared a body corporate, under the name and style of the Flint River Navigation Company, who shall be authorized to receive subscriptions, and donations, and apply the same, in such manner as they shall direct to the improvement of the navigation of Flint River in Madison county from Capt. Scott's Mills, to the Tennessee River.

Alty for  
recting  
igation.

Sec. 2. *And be it further enacted*, That if any person, or persons shall cut, or fall a tree into said river, and shall not remove the same, or shall otherwise obstruct the navigation of the said river, shall for every such offence forfeit and pay the sum of three dollars for every day the same is thus obstructed; to be recovered before any court having jurisdiction of the case, in the name of said company, and applied to the improvement of the navigation of said River.

[Approved Dec. 20, 1820.]

## An act to incorporate the Trustees of the Solemn Grove Academy, in Monroe county.

Whereas sundry inhabitants of the county of Monroe, residing between Limestone and Flat creeks, have set forth by their petition, that the establishment of an Academy in their neighbourhood would be productive of general utility, and conduce to the good order and happiness of society. Presentie

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Lark Abney, Stephen Andreas, Daniel McIntosh, John McLeod and Nathaniel Broughton, trustees of the Solemn Grove Academy, and their successors in office, appointed or elected, or to be appointed or elected according to the rules and regulations of the said Academy, shall be and they are hereby incorporated as a body politic and corporate, in deed and in law, by the name and style of the Trustees of the Solemn Grove Academy. Trustees.  
Incorporation.

Sec. 2. *And be it further enacted,* That the said corporation by their name aforesaid, shall have perpetual succession of officers and members, to be appointed or elected in such manner, and according to such form as may be prescribed by the rules and regulations now existing, or hereafter to be made for the government of the said corporation, and that they may have a common seal, with power to alter and make new, the said rules and regulations, and the said common seal as often as they shall deem expedient. Corporation power.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the said corporation shall be able and capable in law to purchase, have, hold, possess, enjoy and retain to itself in perpetuity or for any term of years, any estate real or personal of what kind or nature soever, and to sell, alien or dispose of the same as they may think proper. And by its name above mentioned to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this State, and to make such rules and regulations not repugnant to the Constitution and laws of this State, and of the United States, as they may deem necessary or expedient; *Provided,* that the said corporation shall not be entitled to have, hold or retain, as aforesaid, real or personal estates of an annual income, exceeding ten thousand dollars. Continuation

[Approved, December 14, 1820.]

## An Act to incorporate the Town of Elyton in the county of Jefferson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Town of Elyton in the county of Jefferson, be and the same is hereby established and incorporated, including the north east quarter of section three, Township eighteen and Range three west of the Basis Meridian. Corporation

Sec. 2. *And be it further enacted,* That an election shall be held at the court house in the town of Elyton, on the first Monday in May in each and every year, to commence at ten o'clock in the morning, and close at two, in the afternoon for the purpose of electing, by ballot seven councillors inhabitants of said town, who shall serve for the term of one year, after they shall have been elected: The first election shall be conducted and managed by Matthew H. Gillespie, Samuel Hall, Election council

Superin-  
tendants.

Corporate  
owners.

William C. Tarrent, and Col. John Martin; and all subsequent elections shall be conducted by two of the councillors, to be appointed by the board for that purpose; and the said councillors so elected, shall on the next day after such election in each and every year meet and elect by a majority of votes from their own body, an Intendant, whose duty it shall be to preside, and keep order at all meetings of the said councillors, and in his absence or incapacity any other member may be called to the chair. And the said councillors shall be, and they are hereby constituted a body corporate, by the name and style of the Intendant and council of the Town of Elyton, and by that name they and their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits either in law or equity; also to have and keep a common seal, and the same to break, alter and amend at pleasure and in general to do all acts which are incident to bodies corporate, and to purchase, hold and dispose of for the benefit of said town, real, personal or mixed property to the amount of ten thousand dollars.

Sec. 3. And be it further enacted, That the said Intendant and Council shall possess the same powers and be subject to the same restriction, as are provided by law for the government of the Intendant and Council of the town of Montgomery; passed at Huntsville, third December eighteen hundred and nineteen.

[Approved December 20th, 1820.]

### An act to incorporate an Aqueduct Company in the City of Mobile.

WHEREAS, it has been represented, that it would be of singular advantage to the health, and commerce of the city of Mobile, to be supplied with water from some of the running streams in its vicinity, which would be attended with too much labor, and expence to be effected by laying a tax for the purpose: and whereas, it has also been represented, that certain individuals have agreed to associate themselves together for the purpose of conducting a supply of water from a Creek called Three Mile Creek, otherwise Bayou Chatogue, for the use of the citizens and other persons residing in the city of Mobile. Therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Lewis Judson Addin Lewis, Archibald W. Gordon, William H. Robertson, and Francis W. Armstrong, their heirs, executors, administrators and assigns be, and they are hereby created and constituted a corporation, and body politic, by the name and style of "The Mobile Aqueduct Company," and, by that name, they shall be, and are hereby, made able and capable in law to have, purchase, receive, possess, enjoy and retain to them, and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects of whatever kind, nature, and quality, and the same to sell, grant, demise, alien, and dispose of; to sue, and to be sued, plead and be impleaded, answer and be answered, defend and to be defended, in any suit, action, matter or thing depending, in any court of law or equity, and also to make, and have, and use a common seal and the same to break, alter, and renew at their pleasure, and also to originate, establish, and put in execution, such byclaws, ordinances and regulations, as they shall deem necessary and convenient for the government of said corporation, and for the attainment of the object of its creation, not being contrary to this charter, or the laws of

this State or of the United States, and generally to do, and to execute all and singular the acts, matters and things, which to them may appear necessary, or which to them it may appertain to do, as incident to bodies corporate under the restrictions before mentioned.

Sec. 2. That the members of the said corporation be, and they are hereby authorized and empowered, as soon as practicable, and by the best means within their power, and by the nearest practicable rout, to dig, or cause to be dug, a channel, or canal sufficiently deep and wide to contain logs of an adequate size, with a calibre large enough to contain and conduct a sufficiency of water, to supply the citizens and other persons of Mobile with water, and from time to time and at all times hereafter, during the continuance of this charter, to enter upon the rout and course of the said canal, or ditch, as they may deem it necessary, for the purpose of laying, repairing, altering, or amending the said logs, canal, or ditch, hereby declaring it lawful for the members of the said corporation, or any or either of them, their successors or assigns, or others employed by them for that purpose, from time to time, as often as in their opinions it may be necessary to enter upon the lands of any person through which the said canal, or ditch may pass for the purpose of opening the said canal or ditch, and placing the logs therein, and from time to time, and at all times thereafter, during the continuance of this franchise to re-enter as often as they may deem it necessary so to do, for the purpose of repairing the aforesaid canal, or ditch, or replacing any logs that may be decayed, or otherwise injured, they being liable and accountable to the legal owner, or owners of the land, through which the said canal or ditch may pass, for any special damages that may be sustained by reason of the aforesaid canal or ditch being dug and continued as aforesaid, which said damage shall be ascertained by appraisers, two of whom shall be chosen by said corporation, and two others by the owner or owners of said land; and in case of difference, the said four appraisers shall choose a fifth appraiser or arbitrator, and the appraisement by them made shall be conclusive on both parties as to the damage done; *Provided nevertheless*, that the said canal or ditch shall not be dug through any lot or lots in the city but shall be conducted along any of the streets thereof, as may be most practicable.

Sec. 3. And be it further enacted, by the authority aforesaid, That the said corporation, and their successors shall have and enjoy the exclusive right and privilege of conducting and bringing water for the supply of said city for the space of forty years; *Provided*, the said corporation, or their successors shall, before the expiration of three years from the passage of this act, cause to be conducted the water from the said Bayou or creek, to the said city of Mobile in the manner herein before proposed; and *provided also*, that after the expiration of the said term of years, the said water works shall become the property of the said city, and shall be for the free use of the inhabitants thereof, forever: *Provided also*, the said corporation shall not carry the canal or ditch through the land of any person or person, without first obtaining from the owner, by purchase or otherwise, the privilege of doing so.

Sec. 4. And be it further enacted, That if any person or persons whatsoever shall wantonly deface, remove, or otherwise injure or disturb the logs placed in the aforesaid canal or ditch, pipe or pipes of lead or other thing that may lead from the logs aforesaid, or shall remove from above the said logs, any earth covering them, or shall obstruct or

Privileges  
of the cor-  
poration.

Accounta-  
bility of cor-  
poration to  
proprietors  
of land

Corpora-  
tion to have  
the exclu-  
sive privi-  
lege of sup-  
plying the  
city.

Penalty for  
injuring the  
works.

injure, by logs, bushes, earth or other materials, the water of the said creek at any place between the source thereof and the place whence the water may be taken or conducted for the use of the said city as aforesaid, he, she or they, so offending, for every such offence shall forfeit and pay the sum of twenty dollars, to be recovered by action of debt before any justice of the peace, one half thereof shall go to the use of the said city of Mobile, and the other to the informer; and moreover, such person shall be liable to pay also any particular damage that may be sustained thereby by the said corporation, and the informer is hereby declared a competent witness to prove any injury done as aforesaid.

Penalties  
to corpora-  
tion.

Sec. 5. *And be it further enacted*, That it shall and may be lawful for the said corporation and their successors, to take, demand and receive from every private family, any sum, not exceeding one dollar per annum, for each and every person, including servants and children, of which said family may consist, in consideration of being supplied with water, as is in this act provided; and for each, and every public house or tavern, the sum of twenty dollars, in addition to the sum demanded of a private family; and for each and every private boarding house, the sum of fifteen dollars in addition to the rate or sum aforesaid, to be paid half yearly in advance; *Provided*, That no person shall be obliged to pay for any time that the water may be stopped, whether by accident or otherwise, and a proportionable deduction shall be made for all such time as aforesaid: *and provided also*, That no person shall be compelled to pay the sum or sums aforesaid, who does not use directly or indirectly the water conveyed to said city as aforesaid.

Same.

Sec. 6. *Be it further enacted*, That it shall and may be lawful for the corporation aforesaid and their successors to demand, take, and receive for each and every pipe or hogshead of water, conveyed to the city as aforesaid, which may be taken for the use of ships or vessels, any sum not exceeding seventy five cents, and in like proportion for casks of smaller size.

Penalty for  
using water  
without  
licence.

Sec. 7. *Be it further enacted*, That any person or persons inhabitants of said city, who shall use the water conveyed to the city as aforesaid, and shall not have declared his, or her, or their intention so to do, nor have paid the sum or sums by this act authorized to be demanded and received, any such person so offending shall forfeit and pay double the sum, he, she or they would have been liable to have paid by the previous provisions of this act, to be recovered by action of debt, before any justice of the peace, to the use of said corporation and their successors.

Hydrants  
to be plan-  
ted by cor-  
poration.

Sec. 8. *Be it further enacted*, That the said corporation shall put up, or cause to be put up at least six Hydrants, in six of the most convenient places, within the said city, and also shall fix a like number of convenient places for use in case of fire, which places shall be designated by the Mayor and Aldermen of said city, and the said Hydrants shall be supplied with convenient and good cocks to facilitate the drawing of the water.

Penalty for  
infringingly  
drants.

Sec. 9. *And be it further enacted*, That if any person or persons shall willfully cut, mutilate, or otherwise deface or injure the said Hydrants, or any part thereof, he, she or they so offending, shall pay a fine of twenty dollars, recoverable by action of debt, before any justice of the peace, for the use of the corporation aforesaid; and if any person or persons shall carelessly or negligently leave the water running, or shall not stop the cock, for every such act, he, she or they (or if a child)

his or her parent or guardian, (or if a slave) his or her master shall pay for every such act of carelessness or negligence, the sum of two dollars, recoverable before a justice of the peace, at the suit of said corporation and to their use. [Approved December 20, 1820.]

### An Act to alter the boundaries of certain counties therein mentioned:

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Perry county shall hereafter be bounded as follows, to wit: beginning at John Allen's on Mulberry creek, running North to the northern boundary of Township twenty one, on the Range line between Ranges eleven and twelve, thence West to the Range line between Ranges six and seven, thence North to the northern boundary of Township twenty three, thence West six miles, thence South twelve miles, thence the former boundary line to the place of beginning.

Perry.

Sec. 2. *And be it further enacted,* That all that tract of Country, beginning at the northern boundary of Township twenty one, on the Range line between Ranges eight and nine, thence West to the line between Ranges six and seven, thence North to the northern boundary of Township twenty three, thence East to the Range line between Ranges seven and eight, thence North to the northern boundary of Township twenty four, thence East to the present boundary line of Bibb county, shall be added to, and made a part of the county of Bibb.

Bibb.

Sec. 3. *And be it further enacted,* That all that part of Perry county lying and being in Range five, Township twenty two, shall be added to, and made a part of the county of Greene.

Greene

Sec. 4. *And be it further enacted,* That, that part of Perry county lying in Township twenty three, Range five, and Township twenty four Range six, shall be added to, and made part of the county of Tuscaloosa. [Approved December 20, 1820.]

Tuscaloosa

### An Act to authorise persons who have settled on the sixteenth section in each township, to remove mill-works or machinery, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That any person or persons who have settled on the sixteenth section in each township, shall be, and Settlers on he, she or they, are hereby authorised to remove any mill, water works, 16th sec. or other machinery, which may have been erected by him, her, or them, on the same, provided that the agents or commissioners of the sixteenth section in each township do not purchase the same, under such rules and regulations as are hereinafter specified, mill works.

Sec. 2. *And be it further enacted,* That the agents or commissioners of school lands in each township be, and they are hereby vested with the power and authority to purchase any mills, or other machinery erected by any settler, on the sixteenth sections, on such terms as they may deem equitable and just: And the purchase money shall be paid by said agents, or commissioners, out of the money arising from the rents or leases, of the sixteenth section, on which such mill or machinery may be erected.

agents may buy such mill works.

Sec. 3. *And be it further enacted,* That the provisions of the foregoing sections, shall extend to settlers on the seventy-two sections reserved by the State for the purposes of a seminary of learning.

Provisions of this act to extend to University lands.

[Approved, December 20, 1820.]

## An Act to authorize the administrator of Thomas Ragland, deceased, to sell and transfer certain certificates of land therein named.

*Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That John Watkins, administrator of the estate of Thomas Ragland, deceased, of the county of Wilcox, be and he is hereby authorized to sell and transfer, all or any number of the certificates of land purchased by said Thomas Ragland, deceased, within this state, on such terms as he may deem most advantageous: Provided, the administrator, aforesaid, shall give at least, thirty days notice of the sale thereof, in some public newspaper within this state: And provided also, that the same shall be sold at private sale, or public auction at the town of Claiborne or at the late residence of the deceased, in the county of Wilcox.*

*Sec. 2. And be it further enacted, That upon the sale of any one or all of the certificates aforesaid; the administrator, aforesaid, shall have power, and he is hereby authorized, to make as complete and as legal a transfer of the same, to the purchaser or purchasers, as could have been made by the deceased during his life time: Provided, that the said administrator shall before the sale of all or any of the said certificates, enter into bond with sufficient security, payable to the Chief Justice of the County Court of Wilcox county, for the faithful distribution of the money arising from the sale thereof, according to the laws relating to, and regulating the estate of intestates.*

[Approved December 12, 1820.]

## An Act to authorize the Executrix of William Baldwin, to sell and convey certain real estate.

*Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That Sarah Baldwin, Executrix of William Baldwin, late of Washington county, deceased be, and she is hereby authorized to sell certain quarter sections of land in township number twenty in range number three, East, in the land district East of Pearl river, and being within the county of Greene, and to transfer the certificates thereof: Provided, that said Executrix shall, before such sale and transfer, enter into bond with sufficient security, payable to the Chief Justice of the County Court of Washington County, for the proper disposition of the money arising from the sale of the said land, agreeably to the existing laws regulating the distribution of the personal estates of deceased persons; And provided also, that thirty days notice of the time and place of sale, be published in some public paper printed in this state, and that the sale be made at the Court House of Greene county.* [Approved November 30, 1820.]

## An Act giving jurisdiction to the Courts of certain Counties.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the circuit court of Catoosa, shall have jurisdiction, and the county shall embrace all that tract of country lying west of Willstown valley and belonging to the Cherokee nation of Indians. And the county of St. Clair shall embrace all the tract of country belonging to the Cherokee nation of Indians in Willstown valley and east of the same.*

*Sec. 2. And be it further enacted, That the expenses of prosecuting and supporting criminals who are prosecuted for offences committed on Indian lands shall be paid out of the contingent fund, upon a certificate of the Judge, made out as in cases now provided for by law.*

*Sec. 3. And be it further enacted, That all acts and parts of acts, contravening this act, shall be, and the same are hereby, repealed.*

## An Act to indemnify Jack F. Ross, Treasurer of this State.

WHEREAS it appears to the satisfaction of this General Assembly, that in December eighteen hundred and eighteen the dwelling and store house of Jack F. Ross was consumed by fire; together with six hundred and six dollars and thirty five cents belonging to the Treasury of this state, by which calamity the said Ross sustained a damage in property to a very large amount, and which loss could not have been prevented by any human prudence, therefore

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said Jack F. Ross is hereby exonerated from the payment of the said sum of six hundred and six dollars and thirty five cents being the amount consumed as aforesaid.

[Approved December 18 1820.]

## An Act to change the names of, and legitimate certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the names of Adaline Robertson, Ira B. Robertson, Alfred K. Robertson, Thomas C. Robertson <sup>Names change</sup> and Charles B. Robertson, be changed from that of Adaline Robertson, Ira B. Robertson, Alfred K. Robertson, Thomas C. Robertson, and Charles B. Robertson, to that of Adaline Dement, Ira B. Dement, Alfred K. Dement, Thomas C. Dement, and Charles B. Dement.

Sec. 2. *And be it further enacted by the authority aforesaid,* That Adaline Dement, Ira B. Dement, Alfred K. Dement, Thomas C. Dement, and Charles B. Dement, natural children of Thomas M. Dement be, and they are hereby legitimated. [Approved, Nov. 24, 1820.]

## An Act declaring that part of Limestone, leading from Mooresville to the Tennessee River, a public highway, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the stream running from Mooresville into the Tennessee River is hereby declared a public highway. <sup>Limestone declares navigab.</sup>

Sec. 2. *Be it further enacted,* That if any person or persons, shall in any wise, obstruct, by cutting or falling any tree or trees (without immediately removing the same) within the said stream, or, in any wise obstruct the navigation thereof, such person or persons shall forfeit and pay the sum of five dollars for every such offence, and the further sum of three dollars for every day the same may be suffered to remain in said stream, to be recovered in any court having cognizance thereof, one half to the person suing for the same, and, the other half to the county.

Sec. 3. *And be it further enacted,* That Flint River, in Madison county from its confluence with the Tennessee River, up the same to the first mill commonly called Brown's or Scott's Mills, and the River Paintrock in Jackson county, from its confluence with the Tennessee to Fletcher's Mill, be <sup>Flint's point to river a declared</sup> and they are hereby declared to be public highways: And any person, obstructing the same or either of them, between the points herein mentioned and declared public highways, by falling trees, logs, or otherwise, shall be liable to all the pains and penalties and recoverable in the same manner as are prescribed in the second section of this act.

[Approved Dec. 14, 1820.]

**An act amendatory to an act, passed by the Legislature of Alabama, at Huntsville, the 16th Dec. 1819, entitled an act to establish a public road therein named.**

*is appointed.*  
*ascertained of the*  
 Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Hance M. Cuninghame, William Russell and Hanby Files, be, and they are hereby appointed commissioners to view a road cut out and opened by John Byler; and his associates under provisions of the above recited act; to confer with the said John Byler and his associates, and ascertain the expense which has been incurred in the opening said road, and the probable expense which may accrue from the completion of the same: and also to take into consideration the present rates of turnpikeage as allowed by law; and report the result of their proceedings and deliberations to the next General Assembly: for which service, they shall receive two dollars for each and every day they may be necessarily employed in the duties above assigned them, to be paid by the said John Byler and his associates.

*Court ordered to ascertain.*  
 Sec. 2. *And be it further enacted,* That the county court of Lauderdale at their next session, after the first day of January, one thousand eight hundred and twenty-one, appoint five commissioners, to view out a road leading the nearest and best way from the foot of the muscle shoals to intersect the military road in a direction for Columbia, and report to the next succeeding court, who shall order the same to be opened and kept in repair, according to the existing laws respecting public roads.

[Approved, December 20, 1820.]

**An act to establish the seat of Justice in Blount county, and for other purposes.**

*mandate*  
 Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the permanent site for the seat of Justice for Blount county, is hereby established in the town of Blountsville.

*com'r.*  
 Sec. 2. *And be it further enacted,* That John Fowler, Richard Yeilding, Lewis Johnson, Joseph H. Mead, and John Gilbraith be, and they are hereby appointed commissioners to superintend the public buildings for said county.

*without jail.*  
 Sec. 3. *And be it further enacted,* That the commissioners aforesaid, be, and they are hereby authorised to draw on the county treasurer, for the county of Blount, for such sum or sums of money as the county court of said county may think proper to allow them, to be appropriated to the building a court house and jail, for said county.

[Approved, December 18, 1820.]

**An act to lay taxes on the inhabitants of Washington county.**

*County tax.*  
 Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the county court of Washington county, be, and they are hereby authorised, in addition to the tax now authorised by law to lay on the inhabitants of said county, not exceeding one fourth of the State tax, which said tax shall be assessed and collected in conformity with the laws regulating the assessing and collection of taxes now in force.

*How appropriated.*  
 Sec. 2. *And be it further enacted,* That so much of the said tax as may be necessary, shall be applied to the payment of the bridges built over the Santa Bogue, and Pine Barren creeks, in conformity with an act of the legislature of the Alabama territory, entitled an act, authorising the building of bridges over Santa Bogue, and Pine Barren creeks in Washington county, passed 13th February, 1818.

[Approved, December 29th, 1820.]

## An Act concerning Divorce.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several circuit courts of this State, shall be and they are hereby invested with power and jurisdiction to decree divorces in the manner herein after mentioned, and in the following cases, that is to say: In favour of the husband where his wife shall have been taken in adultery, or voluntarily left his bed and board, for the space of two years, with intention of abandonment, or where she shall have abandoned him and lived in adultery with another man, or other men. And in favour of the wife, where her husband shall have left her for the space of two years, with intention of abandonment, or where he shall have abandoned her and lived in adultery with another woman or with other women, or where his treatment to her is so cruel, barbarous, and inhuman, as actually to endanger her life. Circuit courts  
invested  
with power  
to decree  
divorces  
  
Causes  
divorced  
ment

Sec. 2. *And be it further enacted,* That in the cases before mentioned, the party desirous of obtaining a divorce, may apply to the circuit court of that county, in which he or she resides, by a bill in chancery, stating the grounds of the application, on which such proceedings shall be had as are usual in other suits in chancery. Circuit  
Chancery  
to grant  
divorces

Sec. 3. *And be it further enacted,* That if the court shall be satisfied that the defendant is not a resident of this State, order of publication shall be made as in other cases of non-resident defendants, except that the order shall succinctly state the object of the bill. Notice  
non-resi-  
dent defen-

Sec. 4. *And be it further enacted,* That the defendant may appear and answer the complainant's bill without oath, denying the allegations thereof, or if the defendant shall fail to appear and answer, the cause may be set down for trial, but the bill shall not be taken for confessed, but proof shall be required to support the allegations thereof, as in cases where they are decided by answer. Defendant  
may answer  
without  
oath.  
bill not to  
be taken for  
confessed  
in want of  
answer.

Sec. 5. *And be it further enacted,* That the court may pronounce a decree for a divorce, according to the provisions of this act, but such decree shall not operate so as to release the offending party, who shall remain nevertheless subject to all the pains and penalties which the law prescribes against a marriage where a former wife or husband is living. Divorce  
not to re-  
lease offend-  
ing party  
from punish-  
ment.

Sec. 6. *And be it further enacted,* That the court pronouncing the decree of divorce, shall also decree and order a division of the estate of the parties, in such way as to them shall seem just and right, having due regard to the rights of each party and their children, if any: Provided however, that nothing herein contained, shall be construed to compel either party to divest him or herself of the title to real estate. Alimony.

Sec. 7. *And be it further enacted.* That pending a suit for a divorce, the court may make such temporary orders respecting the property and parties as they shall deem equitable. temporary  
orders.

Sec. 8. *And be it further enacted,* That when a decree shall be rendered for a divorce, it shall be the duty of such court to make out at the request of the party in whose favour the decree is rendered, a complete copy of the record, and evidence in said suit, which shall be certified by said clerk, and by him sealed up and directed to the Speaker of the House of Representatives of the State of Alabama, and endorsed thereon that it is a decree for a divorce; which decree and proceedings shall be delivered to said Speaker, by the party, or his or her attorney, applying for the same within and during the ensuing session of the Legislature. Copy  
proceed-  
ings to be  
delivered  
to Speaker  
House of  
Representa-  
tives.

*Sec. 9. And be it further enacted, That it shall be the duty of the Speaker of the House of Representatives in the presence of the members of the house to open such record, and cause the same to be read and proceeded on according to the constitution of the State of Alabama.*  
*[Approved, December 21, 1820.]*

### **An Act to authorize the County Court of Conecuh**

County to levy a tax for building a Court-House and jail in said county, and for other purposes therein mentioned.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the county court of Conecuh, be and is hereby authorized and required to lay a tax on all persons and property in said county subject to taxation, not exceeding one third of the state tax, which shall be collected by the tax collector in the same manner, and for the same compensation that the state tax is collected, and paid into the county treasury.*

*Sec. 2. And be it further enacted, That the county court of the aforesaid county of Conecuh, be, and is hereby authorized and required to appropriate for the building such court house and jail as may have been contracted for, and also for other county purposes, all the monies that shall be collected in pursuance of the preceding section*

*Sec. 3. And be it further enacted, That the election precinct pointed out by law at William Brewers, be and the same is hereby discontinued, and instead thereof, Cumming's mill be and is hereby made an election precinct in Conecuh County.*

*Sec. 4. And be it further enacted, That the town of Sparta shall be, and remain the permanent seat of Justice for the aforesaid county of Conecuh.*

*Sec. 5. And be it further enacted, That the county courts of the counties of Butler and Henry respectively, be, and they are hereby authorized and required to lay a tax on all persons and property subject to taxation in the aforesaid counties respectively to be collected under the same regulations as are provided in the first section of this act respecting Conecuh county; which monies when collected shall be paid by the tax collector into the county treasury, and shall be appropriated by the said county courts respectively to county purposes.*

*Sec. 6. And be it further enacted, That the commissioners heretofore appointed to fix upon a seat of justice for Butler County be and they or a majority of them, are hereby authorized to lay off such number of lots of the lands that they may or shall have procured for that purpose, and to dispose of the same, in such manner as they may think most expedient for the benefit of said county.*

*Sec. 7. And be it further enacted, That there shall be an election precinct at the house of Hartwell Elder in addition to those heretofore appointed in Butler county.* *[Approved Dec. 7, 1820.]*

### **An act to authorise Killis Walton to emancipate a negro man named Tom.**

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Killis Walton, of Lawrence county, be, and he is hereby authorised and empowered to emancipate and set free a negro man slave, aged forty years, named Tom, so soon as the said Killis Walton, shall have executed to the chairman, or chief justice of the county court of Lawrence, and his successors in office, a bond, with sufficient security, to be approved by the county court, conditioned, that said negro man slave Tom, shall never become chargeable to this State, or any county or town within the same.*

*[Approved, December 11, 1820.]*

An act to establish a public road from the southern boundary line of township eight, in range four or five, west of the basis meridian of Huntsville, to the Falls of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a public road leading from the southern boundary line of township eight, in range four or five, west of the basis meridian line of Huntsville, by the nearest and best rout to the Falls of Tuscaloosa river, be, and the same is hereby established. Road established.

Sec. 2. *And be it further enacted,* That Thomas D. Crab, and his associates be, and they are hereby authorised and empowered to lay out and open said road from the said eighth township line, in range four or five west as aforesaid, by the most eligible rout which they have or hereafter may discover. By whom opened.

Sec. 3. *And be it further enacted,* That the said Thomas D. Crab, and his associates be, and they are hereby authorised, so soon as they shall have layed out and opened said road, to erect two turnpike gates thereon, at some convenient places, as nearly equidistant from the two extremes of said road as may be practicable. Turnpike gates.

And the said Thomas D. Crab, and his associates may demand and receive of, and from each and every person who shall or may travel on said road, and pass through the said gate or gates; at each gate the following rates of toll, to wit:

For every four wheel carriage, thirty-seven and a half cents; for every two wheel carriage, twenty-five cents; for every man and horse twelve and a half cents; for every pack horse, six and a fourth cents; for every loose horse, six and a fourth cents; for every head of cattle, one cent; and for every head of hogs or sheep, one half cent. And if any person shall pass round, or through said gate, with intent to avoid the payment of toll, he or she, shall for every such offence, forfeit and pay to the said Thomas D. Crab, and his associates, treble the amount which his, her, or their toll would have been: to be recovered before any justice of the peace, with legal cost for the same. Toll rates.  
Penalty for passing round to avoid toll.

Sec. 4. *And be it further enacted,* That the county court of Cotaco, shall appoint two or more persons, who shall view said road established by virtue of this act; and they shall decide, whether in their opinion the road is completed in a good and sufficient manner, that wagons carrying two thousand pounds, and drawn by four horses, can conveniently pass the same. Com'rs. to be appointed to view the road.

Sec. 5. *And be it further enacted,* That it shall be the duty of the county court of Cotaco, when application is made, or in their opinion it is necessary to appoint two or more commissioners to examine said road, and report their opinion to the county court.

And if, in the opinion of the commissioners appointed by virtue of this act, the road is not in good and complete order, they shall direct the turnpike gates to be opened, and no toll shall be demanded or received, under the penalty of twenty dollars. No Toll whilst the road is out of repair.

And should the said Thomas D. Crab and his associates be convicted of receiving toll, when the gates are directed to be opened the second time, they shall forfeit all rights, privileges and immunities under this act. Penalty for exacting toll.

Sec. 6. *And be it further enacted,* That when the turnpike gates have been opened, and the said Thomas D. Crab and his associates shall conceive the road repaired in a good and sufficient manner, they shall apply to the county court of Cotaco, to appoint two commissioners to Com'rs. reported to be recorded.

view and report said road, under their hands and seals; and the report of the commissioners shall be entered of record by the clerk of the county court, and then it shall be lawful for the said Thomas D. Crab and his associates, to receive the tolls allowed by virtue of this act; *Provided*, the commissioners are of opinion, the road is in sufficient repair. And the commissioners appointed by virtue of this act, shall receive such compensation, as the county court may direct; to be paid by the said Thomas D. Crab and his associates.

Com'r's  
compensa-  
tion.

road wher  
to be open-  
ed.

Sec. 7. *And be it further enacted*, That the said Thomas D. Crab and his associates shall commence the said road within six months, and the same shall be completed within eighteen months. And the said Thomas D. Crab and his associates shall have all benefits and profits arising from the tolls, for the period of twelve years.

[Approved December 18, 1890.]

**An act authorising Lotteries for the benefit of the Alabama Lodge No. 51, of Ancient Free Masons, Halo Lodge of Cahawba, and Rising Virtue Lodge No. 30, of Tuscaloosa.**

Alabama  
Lodge.

Com'r's.

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall and may be lawful for John Murphy, William B. Patton, Henry W. Taylor, Gurdon Robinson, John Gayle, James Dellet and Charles O. Foster, or a majority of them to raise by lottery, in one or more classes, as to them may seem most convenient and necessary, any sum not exceeding fifteen thousand dollars; to be appropriated in erecting and furnishing a Masonic Hall for the use and benefit of the Alabama Lodge number fifty one of Ancient Free Masons, in the town of Claiborne.

Com'r's to  
give bond.

Sec. 2. *And be it further enacted*, That the aforesaid John Murphy, William B. Patton, Henry W. Taylor, Gurdon Robinson, John Gayle, James Dellet, and Charles O. Foster, or as many of them as may choose to serve, shall before they enter upon the duties assigned to them in this act, enter into bond with sufficient security before the Chief Justice of the County Court of Monroe county, conditioned for the faithful discharge thereof: which bond may be put in suit in the name of the Governor of the state of Alabama for the time being, by any person injured by a breach of any of the provisions of this act.

Prizes to  
be paid.

Sec. 3. *And be it further enacted*, That it shall be the duty of the aforesaid persons or as many of them as may choose to act, within ninety days of the completion of the drawing of said lottery, to pay to the fortunate drawers in said lottery or to their heirs or assigns such prizes as may be due, agreeably to the scheme they may have determined upon and published.

Sec. 4. *And be it further enacted*, That the drawing of said lottery may be had at the town of Claiborne, or at any other place that may be agreed upon by the managers aforesaid; giving due notice of the time and place of such drawing, which shall be conducted in such manner and under such regulations and responsibilities as to the aforesaid persons may seem most expedient: *Provided*, that each clerk or other person concerned in the drawing shall take an oath before any justice of the peace, faithfully and impartially to discharge their respective duties.

Time of  
drawing li-  
mits.

Sec. 5. *And be it further enacted*, That if the said lottery or any class thereof be not drawn within three years after the scheme of the same shall have been published, the same shall cease, and the purchasers of tickets may demand and recover of the managers or persons before

named in the first and second sections of this act, any money disbursed for tickets in said lottery.

Sec. 6. *And be it further enacted*, That the managers aforesaid shall report to said lodge within six months after the passage of this act, and at such times thereafter, as may be ordered by said Lodge, the progress made in the sale of tickets, or in the drawing of said lottery.

Sec. 7. *And be it further enacted*, That the said managers shall pay over, all and any monies which may be raised under this act, to the order of said Lodge or to such person or persons as may be authorized to receive the same, by said lodge for the purpose of erecting and furnishing a Masonic Hall. To pay over money

Sec. 8. *And be it further enacted*, That the master of said Lodge, be, and he is hereby authorized, by and with the consent of the officers and members of said Lodge, to acquire by purchase or accept as a donation an eligible, lot or parcel of ground, not exceeding two acres, within the limits of the town of Claiborne, on which to erect said Masonic Hall: and the title to or in said lot or parcel of land, with all and singular the appertenances, so obtained as aforesaid, shall vest, and is hereby vested in the said Master, officers and members of said Lodge and their successors in office, to the sole use, benefit and behoof of said Lodge. Master may buy lot

Sec. 9. *And be it further enacted*, That it shall and may be lawful for John Taylor, senior, William Taylor, John B. Norris, H. G. Perry, W. R. Peters, Jesse Beene, Jonas Brown, William B. Allen, David McCord, Danklin Sullivan and Edward Gantt or a majority of them to raise by lottery in one or more classes as to them may seem most expedient, any sum not exceeding twenty thousand dollars, to be appropriated in erecting and furnishing a Masonic Hall for the use and benefit of Halo Lodge in the town of Cahawba, under the same regulations, requisitions and responsibilities as are herein before prescribed for the Alabama Lodge number fifty one of Ancient Free Masons. Halo.

Sec. 10. *And be it further enacted*, That it shall and may be lawful for Charles Lewen, Constantine Perkins, James Cain, Marmaduke Williams, and John Inge, or a majority of them, to raise by lottery in one or more classes, as to them may seem most expedient, any sum not exceeding fifteen thousand dollars to be appropriated to the erecting and furnishing a Masonic Hall for the use and benefit of the Lodge Rising Virtue, number thirty, at the town of Tuskaloosa, under the same regulations, and responsibilities, as herein before prescribed for the Alabama Lodge number fifty one of Ancient Free Masons. Rising virtue.

[Approved December 11, 1820.]

## An Act to vest certain lots in the Intendant and

Council of the town of Cahawba, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the square of lots in the town of Cahawba bounded west and east by Beech and Ash streets, and north and south by Fifth and Sixth south streets, and reserved by the Governor for a Grave Yard, be and the same is hereby vested in the Intendant and Council of said town and their successors in office, for the purpose of a public grave yard under such rules and regulations as the said Intendant and Council may from time to time ordain and establish relative thereto, and for the benefit of the inhabitants of said town. Reserved for grave yard.

*Certain streets extended.*  
*Landing to be opened.*  
 Sec. 2. *And be it further enacted,* That all the cross streets in said town be continued in an easterly direction to the margin or waters edge of the Alabama river, and that the same be, and are hereby declared to be public streets, to the margin of the river as aforesaid.

Sec. 3. *And be it further enacted,* That the commissioners of the public lands of the town of Cahawba be and they are hereby directed and required to open and make a good and sufficient ferry landing on the Alabama river, where Arch Street strikes said river, and that they keep the same in repair; to be paid out of any monies arising from the rents of the reserve lands and ferries of the town, not otherwise appropriated: *Provided,* the same shall not exceed the sum of four hundred dollars.

*Governor directed to lay off lots.*  
 Sec. 4. *And be it further enacted,* That the Governor be, and he is hereby authorized and invested with full power to lay off in convenient lots the lands belonging to the state in the town of Cahawba on the margin of the rivers Cahawba and Alabama, between first and third north streets, and expose the same to sale, under the same rules and regulations as lots have been heretofore sold in the town of Cahawba. [*Approved, December 20, 1820.*]

**An Act, to amend an act, entitled an act, providing for the determination of Suits and Controversies by arbitration, passed at Huntsville, Dec. 13, 1819.**

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act, passed at Huntsville, December 13, 1819, entitled an act, providing for the determination of suits and controversies by arbitration, as requires the parties to make a concise statement in writing to a Judge, be, and the same is hereby repealed.

*Statement to be made to Clerk.*  
 Sec. 2. *And be it further enacted,* That hereafter it shall be lawful to make such statement in vacation of the court, to the clerk where such suit is pending, who shall issue the order heretofore required to be issued by the Judges. [*Approved, December 11, 1820.*]

**An Act to amend an act, entitled "An act for the inspection of Lumber, and certain other articles therein named," passed at Huntsville, on the 17th day of December, 1819.**

*Pipe and Staves.*  
 Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all white oak hoghead and pipe staves intended for exportation, shall hereafter be of the following dimensions, to wit: hoghead staves, forty two inches long, three and one half inches wide, and three fourth, of an inch thick, on the thin or heart edge, clear of sap; pipe staves, fifty four inches long, not less than three inches wide and three fourths of an inch thick, on the thin or heart edge, clear of sap.

*Inspector to call staves.*  
 Sec. 2. *Be it further enacted by the authority aforesaid,* That it shall be the duty of the inspector of staves, from and after this date, when required so to do, by the purchaser or seller of staves of any kind, to cull the merchantable from the refuse staves, and the refuse staves so culled shall be the property of the seller: *Provided however,* that in the event of any person or persons, shipping or attempting to ship any such refuse staves, that he or they shall be liable to the same penalties as are imposed by the act of which this is an amendment. And the inspector of staves who may cull staves as required by this act, shall receive the following fees of inspection, to wit; for white oak hoghead

and pipe staves, and hoghead heading seventy five cents per thousand, <sup>Fees of in</sup> for inspecting red oak hoghead staves, red oak barrel staves and white <sup>specimens</sup> oak barrel staves and heading, fifty cents per thousand; and for inspecting and branding pitch, rosin, tar and turpentine four cents per barrel.

Sec. 3. *And be it further enacted by the authority aforesaid,* That in all cases where there is no agreement between the seller and purchaser of any article of lumber, staves and naval stores to the contrary, all expences of inspection and directing charges, where said articles are carried to market on rafts shall be borne and paid jointly by the parties. When w  
agreement  
expences  
jointly  
borne.

Sec. 4. *Be it further enacted by the authority aforesaid,* That this act shall be in force, and take effect from and after the passage thereof. And that all acts or parts of acts coming within the meaning and purview of this act, shall be and the same are hereby repealed.

[Approved December 20, 1820.]

**An Act to authorize the Governor to pay to the Town Council of Cahawba two thousand dollars on account of the Bridge which they are now building in the town of Cahawba.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be, and he is hereby authorized, to pay or cause to be paid to the Town Council of Cahawba, the sum of two thousand dollars, part of the sum heretofore appropriated out of any monies which may have arisen from the sale of lots in said Town, for the purpose of enabling the said Council to carry on, and complete the Bridge now erecting across the Cahawba River, so soon as the said Council shall have executed a bond to the Governor for the sum of four thousand dollars, conditioned, that the said sum of two thousand dollars, with all legal interest thereon, shall be returned to the Governor of the state within twelve months from the passage of this act, if the said Bridge shall not be completed within that time. [Approved, Dec. 15, 1820.]

**An act to establish and fix on a site for the seat of Justice in Wilcox county.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That Robert Brown, John Blackman, John Gamble, John Jenkins and Elijah Lumsden, are hereby appointed commissioners, who, or a majority of whom, shall have power to fix on a suitable site for the seat of Justice for the county of Wilcox: *Provided,* the same shall be at the most eligible place within five miles of the center thereof. Com'rs. to  
select site.  
Provide.

Sec. 2. *And be it further enacted.* That the center of said county shall be ascertained by the county Surveyor. And the commissioners aforesaid, shall thereupon proceed to fix on and determine the place proper for the seat of Justice aforesaid; *Provided,* that the aforesaid commissioners shall take an oath before some person competent to administer the same, that they will faithfully and impartially perform all the duties required of them in this act, to the best of their abilities. Com'rs.

Sec. 3. *And be it further enacted,* That the commissioners aforesaid, shall have power to purchase, or receive as a donation for said county, a track or parcel of land not exceeding one hundred and sixty acres, whereupon to erect the public buildings of said county. Com'rs.  
may pur-  
chase site.

Sec. 4. *And be it further enacted,* That the county court of the county of Wilcox shall have power to lay and collect a tax not exceed-

Co. Court ing one half the amount of the State tax, for the purpose of paying for  
 may lay said tract or parcel of land, and for the purpose of defraying the ex-  
 penses of erecting a court house, jail, and pillory for said county.

Sec. 5. *And be it further enacted*, That the commissioners aforesaid, shall have power to lay off into lots of such size as to them may seem most expedient, the tract or parcel of land so acquired, and the same to expose to public sale, *Provided*, that four acres of said land be reserved from sale, for the court house, jail and pillory aforesaid, and that the money arising from the sale of said lots be paid over to the county treasurer by said commissioners for the use of said county.

Sec. 6. *And be it further enacted*, That the commissioners aforesaid, are hereby authorized to contract for the building of a court house, jail and pillory, or either of them to the lowest bidder; giving twenty days notice of their intending to let said contract: *Provided*, the person so contracting with the aforesaid commissioners, be required to give bond and security for the faithful performance of his contract.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the seat of Justice for the county of Monroe, be permanently established in the town of Claiborne, and the county court are hereby authorized to impose a tax on the said county not exceeding fifty per centum on the State tax, for the purpose of building a court house for said county, and to appoint commissioners to contract for, and superintend the building of the same, and the said county tax for the purpose aforesaid shall be collected by the collector of the State tax, and by him paid in to the hands of the county treasurer.

[Approved December 13th, 1820.]

### An Act authorizing a Lottery for the building of a Bridge over Clear Creek within the limits of the town of Cahawba.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall and may be lawful for Henry Hitchcock, Alexander Pope, Thomas Casey, Uriah G. Mitchell, and Edmund Lane, or a majority of them, to raise by Lottery in one or more classes as to them may seem most convenient and necessary any sum of money not exceeding two thousand dollars to be appropriated in building and completing a bridge over Clear Creek within the limits of the town of Cahawba, and the said Henry Hitchcock, Alexander Pope, Thomas Casey Uriah G. Mitchell and Edmund Lane, or such of them as may choose to act, shall before they enter on the duties of their office enter into a bond in the penal sum of ten thousand dollars, payable to the Governor and his successors in office, with such security as shall be approved by the governor; conditioned for the faithful discharge of the several duties imposed upon them by this act; which bond may from time to time be put in suit in the name of the said state by any person injured by a breach thereof; and it shall be the duty of the said managers within ninety days from the completion of the drawing of the said lottery to pay to the fortunate person or persons, or to his, her or their, order, all such prizes as may be due agreeable to the scheme which they may have determined upon and published by them, the said lottery shall be drawn in the Town of Cahawba or at such other place as may be most expedient, giving due notice of the time and place of such drawing, each of the said managers and each clerk that may be employed shall before the drawing commences take an oath to act fairly and im-

partially to the discharge of his several duties, which oath may be administered by any Justice of the Peace. If the said lottery or any class thereof be not drawn within one year after the scheme of the same may have been published the same shall cease and said managers shall refund on demand the price of the ticket to the holder of the same.

Sec. 2. *And be it further enacted*, That the aforesaid managers are hereby required and authorized to contract for the building and completing the aforesaid Bridge at such place and on such plan as they may deem most convenient and proper out of the funds that may be raised by the lottery. It shall be the duty of the said managers within six months after the passage of this act and at all such times thereafter, as they may be required, to report to the Intendant and Town Council of the Town of Cahawba, the progress made in the sale of the tickets, the drawing of the lottery and the erection and completion of said Bridge. *[Approved Dec. 11, 1820.]*

To build  
bridge.

### **An Act to authorize the Governor to sell lots on the public lands east of Alabama river and opposite the town of Cahawba.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the acting Governor be authorized, and he is hereby required, to cause to be laid out and exposed to sale on the public lands on the east side of the Alabama river, opposite the town of Cahawba, under the same rules and regulations that lots in Cahawba have been sold, a number of lots containing one half acre each, and not exceeding the number of fifty.

*[Approved December 20, 1820.]*

### **An Act to cede to the United States, the jurisdiction of this State, to certain lands for the purpose therein mentioned.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Addin Lewis, Henry V. Chamberlain, and Lewis Jackson, be, and they are hereby appointed commissioners with full powers, in their discretion, and in such manner and form, as they shall judge necessary and proper, to declare the consent of the Legislature of this state, that such tract of land on Mobile Point, Dauphin Island or Pelican Island, in this state, as they shall judge necessary, for the purpose of erecting a Light House thereon, shall be subject to the jurisdiction of the United States; and thereupon the jurisdiction of the said lands shall be vested in the United States: *Provided however*, that such cession shall not exceed fifty acres at either of the said places: *And provided also*, that such cession shall not be deemed to extend to prevent the execution of any process, civil or criminal, under the authority of this state.

Com'rs.  
declareth  
consent  
this state.

Sec. 2. *And be it further enacted*, That such declaration of the consent of the Legislature of this state shall be explicitly defined by accurate metes and bounds, the situation of the lands, the jurisdiction whereof shall be ceded in virtue of this act: which description shall be filed in the office of the Secretary of State of this state. *[Approved December 16, 1820.]*

Bounds  
the cession  
to be a  
certain

### **An Act supplementary to an act, establishing the permanent seat of Justice in Cahawba County, passed at Huntsville 17th December 1819.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if the Election commissioners who have been elected to fix on the site for the permanent seat of justice in the county of Cahawba, now to be called Bibb

the Election  
com'rs

shall fail to act, on, or before the twenty fifth day of December next, it shall be the duty of the Sheriff of said county, to cause an election to be held for the purpose of electing new commissioners.

Sec. 2. *And be it further enacted,* That if any vacancy should happen by death, resignation, or otherwise, of the said commissioners, it shall be the duty of the Sheriff of said county to hold an election, to fill such vacancy; and all elections which may be held by the Sheriff, or other proper officers for electing said commissioners, shall be held at the different places pointed out in said county, for electing members of the General Assembly.

Sec. 3. *And be it further enacted,* That all elections which may be held, to elect said commissioners, it shall be the duty of the Sheriff of said county to advertise the same at least twenty days before the time of holding the election: and it shall be conducted in the same manner as required by law for the election of Representatives.

[Approved Dec. 20. 1820.]

### An Act to authorize S. B. Shields to sell certain lands therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Samuel B. Shields administrator of Benjamin Glover deceased, of Marengo county be and he is hereby authorized to sell all or any number of certificates of certain lands situated in this state belonging to the estate of said deceased, on such terms as may deem most advantageous, taking bond with sufficient security for the true and faithful payment of the consideration.

Sec. 2. *And be it further enacted,* That the said administrator be, and he is hereby authorized, on the sale of such certificates, to make or cause to be made to the purchaser or purchasers (as the case may be) a legal transfer of the same, which transfer shall be equally as binding as if the same had been made by the said deceased in his life time.

Sec. 3. *And be it further enacted,* That the said administrator shall before the sale of the lands hereinbefore authorized to be sold, enter into bond with sufficient security payable to the chief justice of the county court of Alabama to the county in which such lands are situated for the disposition of the money arising from the sale of said lands agreeably to the existing laws regulating the distribution of the personal effects of deceased persons.

[Approved December 7, 1820.]

### An Act to provide for fixing the site for the permanent seat of justice for the county of Marengo, and for other purposes therein mentioned.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Spinks, Bowen Bennet, Allen Glover, Nathaniel Norwood, and William Irons be and they are hereby appointed commissioners, who, or a majority of whom shall have power to select and fix upon the most eligible site for the permanent seat of justice for the county of Marengo, within four miles from the centre thereof.

Sec. 2. *And be it further enacted,* That the said commissioners or a majority of them, shall have full power to contract for, and purchase or receive by donation not more than one quarter section not less than four acres of land, by them fixed upon for the seat of justice, and in behalf of said county to receive a good and lawful title to the same which land shall by such commissioners be appropriated as is herein after directed, to the erection of the public buildings of the county aforesaid.

Sec. 3. *And be it further enacted*, That the commissioners are hereby authorized and required to lay off said land in lots of such dimensions as they may deem expedient and after reserving a sufficient number for the use of the public buildings, a school house or academy and houses for public worship, that they cause the remainder thereof to be sold at public auction, at such times and on such credit as they may deem most expedient for the benefit of said county, giving at least ninety days previous notice, in one of the Cahawba or St. Stephens newspapers, and by advertisement posted up at three or more of the most public places in the county: *Provided*, that no title in fee simple shall be given of any lot, until the whole of the purchase money be paid.

Comm's re-  
quired to  
lay off and  
sell lots.

Sec. 4. *And be it further enacted*, That it shall be the duty of the commissioners, and they are hereby empowered, to contract for the building a court house, jail and pillory, of such dimensions as they shall agree upon, with the approbation of the county court; *Provided* that public notice shall be given by the commissioners for at least thirty days, in one of the Cahawba or St. Stephens newspapers and by advertisement posted up at three or more of the most public places within the county, of the time and place, of contracting for the erection of said buildings or either of them, and shall contract for the erection thereof with the lowest bidder, who shall enter into bond with good and sufficient security for the performance of his contract.

Contract  
for public  
buildings.

Sec. 5. *And be it further enacted*, That for the purpose of purchasing and acquiring such site, for the seat of Justice the county court be and they are hereby authorized, and required to levy and cause to be collected, a county tax of sufficient amount, not exceeding one half of the state tax.

Co. court  
to lay tax.

Sec. 6. *And be it further enacted*, That the commissioners appointed by this act, before they enter upon the duties assigned them, shall respectively before some justice of the peace or of the county court of said county, take and subscribe the following oath:—I ----- do solemnly swear (or affirm) that I will select and finally fix on the site for the public buildings for the county of Marengo, pursuant to this act, according to the best of my judgment, with impartiality to man or place or any other consideration whatever, other than the common good, and equal rights and interests of the citizens of the said county—so help me God.

Comm's  
oath.

Sec. 7. *And be it further enacted*, That the commissioners shall be allowed adequate compensation for their services, to be fixed by the county court. And should a purchase of land be made as herein contemplated, and the sales thereof transcend the amount necessary for the completion of the public buildings and the allowance to the commissioners, such surplus shall by said commissioners be paid forthwith into the hands of the county treasurer, subject to the order of the county court for county purposes.

Surplus  
fund.

Sec. 8. *And be it further enacted*, That the said commissioners so soon as they or a majority of them shall have performed the duties assigned them shall in writing make a report of all their proceedings under this act to the county court of Marengo; the clerk of which court shall place the same on record in his office. And the site so fixed on shall be the permanent seat of justice for said county of Marengo.

Comm's  
report.

Sec. 9. *And be it further enacted*, That until the site for the permanent seat of justice be finally fixed upon, and the public buildings completed that the town of Marengo shall be the place for holding courts, in said county of Marengo: and the county court is hereby authorized

Tempora-  
ry site.

and empowered to levy and tause to be collected a county tax sufficient to purchase or erect a plain log court house and temporary jail, and they are hereby appointed commissioners to superintend the same.

Election  
precinct.

Sec. 10. *And be it further enacted*, That there shall be an additional place of holding elections, at the residence of Isaac C. Perkins in the aforesaid county of Marengo.

Sec. 11. *And be it further enacted*, That this act shall take effect, and be in force, from and after the passage thereof.

[Approved Dec. 6, 1820.]

### **An act to provide for enclosing the Public Buildings in the Town of Cahawba, and for other purposes.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Secretary of State be, and he is hereby authorized and required to have the lot on which the public building in the town stands enclosed in a cheap and substantial manner, and to have shutters for the windows made and hung in such manner as he shall direct; and the expenses of the same shall be paid out of any money in the treasury arising from the sale of lots in the town of Cahawba, not otherwise appropriated, on the certificate of the Secretary of State, that the same is completed.

[Approved December 20, 1820.]

### **An act to alter and extend the bounds of Jefferson county and for other purposes.**

Boundaries.

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all that part of St. Clair county lying within the following bounds, viz: Beginning where the line dividing the county of St. Clair and Shelby leave Jefferson county thence along said line to the Cahawba river, thence up said river to the mouth of a creek commonly called Grimnits fork, thence up said creek to its extreme head, thence north to the line dividing townships fourteen and fifteen, thence along said line to Hartgroves, at the head of Jones' Valley, be and the same is hereby constituted and made a part of the county of Jefferson.

Election  
precinct.

Sec. 2. *And be it further enacted*, That in addition to the election precincts heretofore established in Jefferson county, there shall be one at the house of Micajah Lindsey, Esquire.

Sec. 3. *And be it further enacted*, That this act shall be in force from and after the first day of April next.

[Approved, December 30, 1820.]

### **An act defining the boundaries of Marion county and for other purposes.**

Boundaries.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the permanent boundaries of the county of Marion, shall be those which follow, to wit: Beginning on the line which separates the States of Mississippi and Alabama, at a point where the line dividing townships fourteen and fifteen cuts the same; thence east on said line, to the south east corner of township fourteen range eleven; thence north on the line dividing ranges ten and eleven to the lines which divide townships eight and nine; thence west on said line to its intersection with the State line: thence south on the State line to the beginning.

Sec. 2. *And be it further enacted*, That Lemuel Bean, Jabez Fitz-

gerald, Barnes Holloway, senr. George White, William Metcalf, and William Davis, be, and they are hereby appointed commissioners to fix on the site for the public buildings in said county: which site they shall place at the center thereof, or at the nearest eligible place there-<sup>Com'rs to select site for public buildings.</sup> to, not exceeding three miles in each direction from the center; and the said commissioners are hereby authorised to fix on the temporary site for holding the courts in said county, in which county an election precinct is hereby fixed at the house of William Davis, on the Sytsey fork of the Buttahatchie river, and one precinct at the house of Joe! Dixon, on the head of Tooksapililoh.

Sec. 3. *And be it further enacted,* That the commissioners appointed in the preceding section, or a majority of them, shall have power; and it shall be their duty to contract for and receive a good and lawful title for not less than one quarter section of land, at the place by them fixed on for the seat of Justice aforesaid. <sup>To purchase land for seat of justice.</sup>

Sec. 4. *And be it further enacted,* That the said commissioners or a majority of them shall have power to contract for all the necessary public buildings for the county aforesaid, shall fix their several constructions, and superintend, reject or receive the same when completed. <sup>Contract for public buildings.</sup>

Sec. 5. *And be it further enacted,* That the said commissioners or a majority of them, shall give sixty days previous notice of the time and place at which the public buildings may be intended to be let; at which time and place, so notified, the commissioners shall publicly let out the same to the lowest bidder, binding the undertaker or undertakers in bond with sufficient security, payable to the said commissioners for the faithful performance of his or their undertaking. <sup>Undertakes to give bond.</sup>

Sec. 6. *And be it further enacted,* That the commissioners are hereby authorized to sell such lands as they may acquire for the use of the county in lots of such dimensions, and on such conditions as they may deem expedient; and should the proceeds of such lands be insufficient to meet the expenditures incident to the completion of the public buildings aforesaid, the county court is hereby authorised to lay a county tax not exceeding one fourth of the general tax, which shall be applied to the finishing of the public buildings in said county. <sup>Authoriz. ed to sell lots. Co. Courts authorized to lay tax.</sup>

Sec. 7. *And be it further enacted,* That should a purchase of land be made by the commissioners as contemplated by this act, and the sales thereof transcend the disbursements incident to the completion of the public buildings, the surplus shall by those commissioners be paid forthwith into the county treasury, subject to the order of the county court, who shall disburse the same to the people of each township by adding to the proceeds of the sixteenth section according to quality. <sup>Surplus if any how disposed of.</sup>

Sec. 8. *And be it further enacted,* That the commissioners appointed in this act, shall previous to entering on their official duties take and subscribe the following oath: I — do solemnly swear that I will faithfully, according to my best and honest judgment, perform all the duties required of me as a commissioner under this act, and will select and fix on the site for the public buildings for Marion county, with impartiality to men or place, consulting and being guided in that decision, by the common good and the equal rights of every citizen, So help me God. And, moreover, it shall be the duty of the said commissioners when they shall have fixed on the site for the public buildings in the county aforesaid, under their hands and seals to report the same, accompanied with a plan or map of the town to the clerk of the county court, who shall record the same in his office, and the place so fixed on and so reported, shall be the permanent seat of Justice for Marion county. <sup>Com'rs to make report.</sup>

*Sec. 7. And be it further enacted, That a line shall commence at a point where the State line cuts the Tombahee river, running down the same to the Green county line; thence east on the said county line, to the line dividing ranges one and two, east of the meridian of St. Stephens; north on said line to its intersection with the Scipie waters of the Beckbe river; thence pursuing the meanders of that stream to that point where the two dividing ranges twelve and thirteen west of the meridian of Huntsville touches the same, north on said line to the Marion south boundary line, west to the state line; thence on the said line to the place of beginning, which shall form one county to be known and distinguished by the name of Pickens county. The temporary site for holding the courts in said county, shall be at the house of Jacob Danaby. An election precinct is established at ----- Mullens, Election on the road from Columbus to the Falls of the Warrior, and at James Hepkins, and one at the residence of Ezekiel Nash.*

[Approved December 19, 1820.]

### An act to establish certain election precincts therein named and for other purposes.

*Section 1. BE it enacted by the Senate and House of Representatives of the state of Alabama in General assembly convened, That there shall be four election precincts in the county of Dallas, in addition to the one heretofore established in said county, to wit, one at Selma, one at Portland, one at the house of Mr. Fedrick, on Town-creek, and one at the present dwelling house of captain Yeast.*

*Sec. 2. And be it further enacted, That there shall be in the county of Cotaco, four election precincts; in addition to the one holden at the court house, to wit, one at the house of John Wallis, Centreville, one at the house of Larkin R. Rogers, and one at the town of Decatur.*

*Sec. 3. And be it further enacted, That there shall be in the county of Wilcox, two election precincts, in addition to those already provided for by law, to wit, one at the house of John Smith, near the bluff generally known and called by the lower standing Peach Tree, and one at the store house of Allen and Saltmarsh, at the bluff known and called by the name of the upper standing Peach Tree.*

*Sec. 4. And be it further enacted, That the election precincts heretofore held at the house of Joseph Lewis, in the county of Autauga, shall hereafter be discontinued, and one established in lieu thereof at the house of John Lewis, in said county.*

*Sec. 5. And be it further enacted, That the two election precincts heretofore established at Pruets store, and Evansville, shall be hereafter discontinued, and one established in lieu thereof at the town of Augusta, in Montgomery county.*

*Sec. 6. And be it further enacted, That there shall be two additional election precincts in the county of Montgomery, one at the house of James F. Johnston, at captain Bennets muster ground, and the other at the house of James Ramsay, at captain Wades muster ground.*

*Sec. 7. And be it further enacted, That there shall be three election precincts in the county of Tuskaloosa, in addition to those already established by law, to wit, one at Capt. Coons muster ground, one at captain John Hudson's muster ground, and one at captain Henry Pickards muster ground.*

*Sec. 8. And be it further enacted, That there shall be in the county of Jackson, two election precincts in addition to those already provid*

ed for, one at DoYLES mill, between Crow creek, and the other at Read's, on Larkins' fork, on Paint rock.

Sec. 9. *And be it further enacted*, That the elections heretofore held at William Guthreys, shall hereafter be held at the house of Henry Bradford, in St. Clair county. [Approved Dec. 20, 1820.]

**An act granting to John Fowler the right of running a Steam Ferry Boat, between the city of Mobile and the town of Blakeley.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for John Fowler of the town of Blakeley, and his assigns respectively, to set up, keep, maintain, and run a steam ferry boat between the town of Blakeley and the city of Mobile, in this State; for and during the term of five years to be completed from the first day of January next, and the said steam ferry boat shall be capable of carrying six horses, and shall be ready at all times and seasons to transport and ferry from one to the other of the said towns, persons, goods and chattels. Ferry-Blakeley

Sec. 2. *And be it further enacted*, That the justices of the county court of the county of Mobile may and shall require of the said John Fowler, a bond with a suitable penalty, and two good and sufficient securities for the faithful performance of the requisitions of this act, and the said county court shall annually order, direct and determine the several rates of ferriages, and the several hours in each day that the said steam ferry boat shall be in readiness for the purposes aforesaid. J. Fowler to give bond

Sec. 3. *And be it further enacted*, That if the said Fowler or his assigns, or any ferryman, or person employed by him, shall exact, take, or receive, any greater, or higher rates for transporting any person or persons, horses or cattle, goods or other things whatsoever, than shall be by the justices of the county court aforesaid, limited or established, he or they so offending, shall forfeit and pay for every such offence the sum of ten dollars, to be recovered before any justice of the peace, or any justice of the county court aforesaid, by any person who shall sue for the same. Penal extra

Sec. 4. *And be it further enacted*, That if any person or persons, shall after the first day of January next, transport or carry over for pay or hire, from either of the towns aforesaid, to the other, any person or persons, horses or cattle, other than the said John Fowler, or his assigns, such person or persons, shall for every such offence forfeit and pay the sum of ten dollars to be recovered as aforesaid, by any person or persons who may sue for the same, *Provided always*, that nothing in this act shall be so construed as to exclude any person or persons from the right of carrying themselves, their goods or chattels in their own boats free of ferriage. Excl priv of

Sec. 5. *And be it further enacted*, That if it shall appear to the justice of the county court of the county of Mobile, that the said John Fowler, or his assigns, shall neglect or refuse to comply with the requisitions of this act, it shall and may be lawful for the justices aforesaid, to declare all the rights and privileges herein granted to be forfeited: and the said justices shall and may let out the said ferry to any other person or persons, agreeable to the laws now in force on that subject. Forfeiture of privilege

Sec. 6. *And be it further enacted*, That if any person or persons shall suffer any loss or damage in their property or persons, by reason of the neglect, or wilful misconduct of the said John Fowler, or his assigns, or of any ferryman, or person employed by him, the said John Fowler or his assigns, shall be liable to an action by the party aggrieved. acc't for damage

## An Act to incorporate the town of Ococoposo in the County of Franklin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the town limits of Ococoposo in the county of Franklin be incorporated in conformity with the general plan of the aforesaid town.*

Sec. 2. *And be it further enacted, That there shall be holden in said town of Ococoposo, an election on the first Monday in March next and on that day in each and every year, from the hour of ten o'clock in the forenoon until the hour of two in the afternoon, for the purpose of electing five persons, inhabitants of said town to act as trustees thereof; a majority of whom shall constitute a quorum to do business; also a town constable, a assessor, collector and treasurer to serve for one year: Provided, that this act and any of its bye-laws, may at any time be repealed by the General Assembly.*

Sec. 3. *And be it further enacted, That every free white male of the age of twenty one years, who has resided in the town of Ococoposo, three months previous to the election, shall be entitled to vote for said trustees and other officers.*

Sec. 4. *And it be further enacted, That the said trustees and other officers so elected shall proceed in the same manner, possess the same powers and be subject to the same restrictions, as are provided by law, for the Government of the trustees and other officers of the town of Russellville in the county of Franklin.*

Sec. 5. *And be it further enacted, That from and after the passage of this act, any defaulting patrol shall have the power to make his excuse for the non performance of his duty as patrol before the tribunal to which he is returned, and if the excuse made by any defaulter be deemed good and sufficient, such defaulter shall not be compelled to pay any cost which may accrue. And all acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.* [Approved, December 20, 1820.]

## An Act to fix the time for convening the General Assembly of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, the General Assembly of this State shall convene on the first Monday in November, in each and every year.*

Sec. 2. *And be it further enacted, That all acts and parts of acts contrary to the true intent and meaning of this act, be, and the same are hereby repealed.* [Approved December 21, 1820.]

## A resolution authorizing the Treasurer to receive

Comptrollers warrants for money due for the sale of lots in Cahawba.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the warrants of the Comptroller of Public Accounts issued according to the provisions of the act making it the duty of the Comptroller to issue printed warrants, passed at the present session be received into the Treasury of this State for all sums of money which may be now due, or shall become due during the year 1821, for sales of lots in the town of Cahawba, and also for the rents of Public Lands and Ferries in said town.*

[Approved, Dec. 21, 1820.]

**An act to repeal an act of the last General Assembly**  
of the State of Alabama, entitled an act, for the encouragement of  
killing and destroying of wolves and panthers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act <sup>Repeal</sup> ~~entitled an act, for the~~ <sup>clause.</sup> the encouragement of killing and destroying wolves and panthers, passed at Huntsville on the sixteenth day of December, eighteen hundred and nineteen, be and the same is hereby repealed.

Sec. 2. *And be it further enacted,* That so much of an act passed at Huntsville, December seventeen, eighteen hundred and nineteen, entitled an act, to extend the corporation of the town of Huntsville, <sup>T and</sup> ~~in~~ <sup>Braden</sup> in Madison county, as exempts or exonerates the persons or property of Thomas and William Brandon, who reside within the limits of said corporation, from the effect or operation of the bye-laws of said corporation, be and the same is hereby repealed.

[Approved, Dec. 25, 1820.]

**An act to alter an act, entitled an act to establish**  
certain counties therein named, and for other purposes therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the County Court of Clark county, be, and they are hereby authorized and required to levy such <sup>Co. of</sup> tax upon the persons and property of the inhabitants of said county, <sup>Clay</sup> ~~liable~~ <sup>tax</sup> to taxation; by the state, as may be sufficient to defray the expenses of the county: *Provided,* that such tax shall not exceed one half the amount of the state tax.

Sec. 2. *And be it further enacted,* That the site fixed upon for the seat of justice in said county, by the commissioners appointed by law for that purpose, shall be hereafter known by the name of <sup>Clay</sup> ~~Clarksville~~, to which place the returns of the Elections of the several districts, shall hereafter be made.

Sec. 3. *And be it further enacted,* That the Circuit and County Courts of said county, shall be hereafter held at the Court-House and all writs and <sup>Proc</sup> ~~processes~~ <sup>return</sup> of all kinds heretofore made returnable to the house of William Coats, shall be returned to the court-house aforesaid.

Sec. 4. *And be it further enacted,* That the election heretofore authorized to be holden at the house of William Coats, shall hereafter be held at the Court-House.

Sec. 5. *And be it further enacted,* That all parts of an act passed the thirteenth December, eighteen hundred and nineteen, entitled an act, to establish certain counties therein named and for other purposes therein mentioned, which comes within the meaning and purview of this act, be, and the same are hereby repealed.

[Approved December 7, 1820.]

**An act for the relief of Elijah Lawley.**

WHEREAS Elijah Lawley, one of the lessees of the land reserved by the United States, for a Seminary of Learning for this state, did on the fifth day of November last, unavoidably have his house consumed by fire, and, with it nearly all his personal estate; whereby he is rendered unable to discharge the amount due by him for the lease of said land, being fifty one dollars and seventy five cents. Therefore

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the aforesaid Elijah Lawley be, and he is hereby released from the payment of said lease of fifty-one dollars and seventy five cents.

[Approved Dec. 21, 1820.]

An act to make appropriations for the year one thousand eight hundred and twenty-one, and for other purposes therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the following sums of money be, and they are hereby appropriated to defray the expenses of the civil list, and other necessary charges of government, namely, for the pay of the members of the General Assembly, and their expenses, at the present session, twenty-five thousand dollars. For the payment of the annual salary of the Governor of this State, two thousand five hundred dollars. For the contingent fund, to be subject to the orders of the Governor of this State, five thousand dollars. For the payment of the annual salary of five Judges of the circuit courts, seventeen hundred and fifty dollars each, eight thousand, seven hundred and fifty dollars. For the payment of the annual salaries of the Secretary of State, Comptroller of Public Accounts, and Treasurer, one thousand dollars each; three thousand dollars. For the payment of the annual salaries of four circuit solicitors two hundred and fifty dollars each, one thousand dollars. For the payment of the annual salary of the Attorney General, six hundred and twenty-five dollars. For the payment of the Adjutant General, two hundred dollars. For the payment of the quarter master general, two hundred dollars. For the payment of the clerk of the Senate, and the clerk of the House of Representatives, each, seven dollars per day, and for the payment of the assistant clerks of both branches of the General Assembly, each, five dollars per day. For the payment of the door keepers of the Senate and House of Representatives, five dollars per day, to be paid out of any monies in the Treasury not otherwise appropriated.*

Sec. 2. *And be it further enacted, To refund the Comptroller of public accounts; money by him paid for a book case, and desk, for his office, stationary, printing, and postage of letters on official business, one hundred and fifty-two dollars, forty six and one half cents, and for the stationary necessary for his office thirty dollars, making in the whole, one hundred and eighty-two dollars, forty-six and one half cents. To refund to the Treasurer of the State, for books furnished his office, eighteen dollars, twenty-five cents; to procure a desk for the preservation of papers, and the stationary necessary for his office, fifty dollars; if so much be necessary, making in the whole sixty-eight dollars and twenty-five cents. For the purchase of an iron chest for the use of the Treasury office, seventy dollars, if so much be necessary to be applied to such purchase by the Treasurer of this State. To refund Daniel Rather, door-keeper of the House of Representatives for stationary furnished for the use of said House, one hundred and sixty-five dollars, fifty seven one half cents. To refund Matthew W. McClellan, door-keeper of the Senate, for stationary furnished for the Senate, one hundred and forty-one dollars, eighty-two and one half cents. To the Secretary of state for superintending the printing of the laws and journals of this state, one hundred dollars. For the payment of White and Lane for a blank book for recording the proceedings of the House of Representatives, five dollars; to Marmaduke Williams, Secretary of the Senate, for stationary furnished the present session sixty-one dollars.*

Sec. 3. *And be it further enacted, That five thousand dollars be appropriated to the assessors of the taxes for the year 1820, for assessing the taxes and taking the census.*

Sec. 4. *And be it further enacted*, That the sum of thirty one dollars and sixty cents be allowed to Daniel Rather, jailor, of Madison county, State of Alabama, for the keeping of Charles Clay, of Montgomery county, and Thomas Elliott, of Tuscaloosa county. D. Rather

Sec. 5. *And be it further enacted*, That the sum of one hundred and twenty-six dollars and sixty cents be, and the same is hereby appropriated for the payment of Daniel Duval Sheriff of Mobile county, for keeping state prisoners and attending sessions of the circuit courts, D. Duval.  
*Provided*, that the Comptroller of public accounts shall be satisfied as to the correctness of the accounts of the said Daniel Duval. To the State Printer, fifteen hundred dollars. To Augustina Parsons, for A. Parsons.  
 printing done for both branches of the Legislature, forty-five dollars. The sum of fifty-three dollars to Daniel Rather, for the hire of a servant to make fires and cut wood, including the board of said servant. D. Rather.

Sec. 6. *And be it further enacted*, That the remaining sum of two thousand dollars which will be due on the completion and acceptance of the bridge in the town of Cahawba, be and the same is hereby appropriated out of the fund set aside for that purpose. Cahawba Bridge.

Sec. 7. *And be it further enacted*, That the care of the State House and the public property contained therein, be confided to Matthew W. McClellan, who for his care and attention thereto shall receive the sum of fifty dollars as compensation. *Provided*, that it shall not be lawful for the said M. W. McClellan to let or suffer said house to be appropriated or occupied in any other manner than is provided for by law, except as a house of public worship, or for the court of errors and appeals, the circuit court of the county of Dallas, and the federal court of the United States. Public property care of.

Sec. 8. *And be it further enacted*, That William B. Allen, Public Printer, be, and is hereby allowed the sum of one hundred and thirty dollars in addition to his salary as public printer, as a reasonable compensation for the immense amount of extra printing required of him the present session of the General Assembly, and the Comptroller be, and he is hereby authorized to issue his warrants in favour of said William B. Allen, for the amount aforesaid. And that the sum of forty dollars be allowed to George V. Dick, for extra services as assistant secretary of the Senate. George V. Dick.

Sec. 9. *And be it further enacted*, That the treasurer of this state is hereby authorized and required to refund to John Howard nineteen dollars and fifty six cents of tax he paid in the year 1820, over and above the tax he ought to have paid for a house and lot in the town of Cahawba, which was only begun and not nigh finished on the first day of January, 1820. J. Howard.  
 [Approved Dec. 22, 1820.]

## An act to incorporate the Indian Creek Navigation Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Leroy Pope, Thomas Fearn, Stephen S. Ewing, Henry Cook, and Samuel Hazard, be and they are hereby appointed commissioners with power to open books at the town of Huntsville and at such other place or places as they may think proper, and to receive subscription of stock in the Indian Creek Navigation Company in shares of fifty dollars each. Commissioners.

Sec. 2. *And be it further enacted* That said subscribers shall be, and they are hereby created a body corporate and politic by the name and style of the "Indian Creek Navigation Company," with power to sue and be sued, plead and be pleaded in any court of record in this State, to have a com- powers.

mon seal and the same to break, alter, and renew at pleasure, and also ordain, establish, put in execution, such by-laws, ordinances and regulations, as they shall deem necessary and convenient for the government of the said corporation, not being contrary to the Constitution thereof or the laws of the United States or this State, and generally to do, execute all and singular the acts, matters and things which to them may appear necessary, or which to them it shall or may appertain to do, as incident to corporate bodies; subject nevertheless to the rules, regulations, and restrictions hereinafter prescribed and declared, and to purchase, hold and dispose of, for the benefit of said corporation, real, personal, and mixed estate, not exceeding double the amount of the stock subscribed.

**Election of Directors.** Sec. 3. *And be it further enacted,* That for the management of the affairs of the said corporation, there shall be elected five directors annually in the town of Huntsville on the first Monday in May, in each year, by the stockholders. And the directors thus elected shall serve for one year, and the board of Directors annually, at the first meeting after their election shall proceed to elect one of the directors to be president of the corporation, who shall hold the said office during the same period for which the directors are elected as aforesaid. *Provided always,* that the first election of the directors and president of said corporation shall be at the time and for the period hereafter declared. *And provided also,* that in case it shall at any time happen that an election of Directors or an election of President of said company should not be made so as to take effect, on any day when in pursuance of this act, they ought to take effect, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful at any other time to hold such election, and the manner of holding the elections shall be regulated by the laws and ordinances of said corporation, and until such election be held, the president and directors of the company shall continue in office. *And provided also,* That in case of the death, resignation or removal of the president of the said corporation or of his absence from this State for more than six months, the directors shall proceed to elect another president from the directors as aforesaid; and in case of the death, resignation, removal from office or absence of a director, the vacancy may be supplied by a majority of the board.

**Com'rs. give notice.** Sec. 4. *And be it further enacted,* That as soon as the sum of ten thousand dollars shall be subscribed, notice thereof shall be given by the commissioners in some newspaper published in the town of Huntsville, and the said commissioners shall at the same time, and in like manner notify a time and place in the said town of Huntsville, at the distance of fifteen days from the time of such notification for proceeding to the election of five directors as aforesaid, and the election then and there made shall be lawful, and the persons who shall be elected as aforesaid, shall be the first directors of said company, and shall proceed to elect one of the directors to be president, and the president and directors so elected shall be capable of serving in their respective offices by virtue thereof until the end and expiration of the first day of May next ensuing said election, and they shall then and thenceforth commence and continue the operations of said company.

**Compensation.** Sec. 5. *And be it further enacted,* That the Directors for the time being shall have power to employ such officers and servants under them as shall be necessary for the executing the business of the said corporation, and to allow them such compensation as may be fixed, prescribed, and determined by the laws, regulations, and ordinances of the same. None but a stockholder, a resident citizen of the State shall be a director. And the Directors shall receive such compensation for their services as the stockholders at a general meeting shall assign them. Not less than three Directors shall constitute a board to do business, of whom the president shall always be one, except in case of sickness, or necessary absence, in which case his place may be supplied by another Director, whom he may by writing under his hand, depute for that purpose, and the Director so deputed

may do and transact all the necessary business belonging to the office of the President of said corporation, during the continuance of the sickness or necessary absence of the President.

Sec. 6. *And be it further enacted*, That it shall be lawful for the Directors to call a general meeting of the stockholders, at any time they may deem it necessary and expedient, and a number of stockholders, not less than five, who together shall be proprietors of fifty shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least four weeks notice in a newspaper published in Huntsville, and specifying in such notice the objects of such meeting, the officers of the corporation shall previously to entering on the duties of their respective offices give bond with such security and in such form as the Directors shall require, conditioned for the faithful discharge of their duties respectively.

Sec. 7. *And be it further enacted*, That said corporation shall have power and authority to open and improve the navigation of Indian Creek, in Madison county, from the spring at Huntsville to the town of Triana at the mouth of said creek, by removing the obstructions therein, opening canal or canals or in such other mode or way as they may deem expedient: *Provided*, that no such improvement shall be made on the property of others without the written consent of the owner or owners obtained for that purpose.

Sec. 8. *And be it further enacted*, That if said corporation cannot obtain the consent of the owner or owners of land, through which said improvements may be necessary, it shall be lawful for said corporation to apply for and obtain a writ of *ad quod damnum* as in other cases to the Sheriff of Madison county, whose duty it shall be to summon a jury of twelve freeholders in said county, and cause an inquest to be taken of the value of so much land as said corporation may require to be condemned for the purposes aforesaid, and all other damages which the owner thereof may sustain, which inquest shall be returned to the county court of said county at the next succeeding term, and the clerk of said court shall at the request of the president of said corporation issue a summons or summonses directed to said Sheriff, directing him to summon the proprietor or proprietors of said land condemned as aforesaid, to show cause why judgment should not be rendered by said county court, vesting the title of said land condemned as aforesaid in said corporation.

Sec. 9. *And be it further enacted*, That the said county court shall have power to confirm the inquisition of said jury or quash, the same for good cause shown, and if confirmed to vest the fee simple in said land, in the said President, Directors and Company, and their successors upon the payment of the amount or value of said land assessed by said jury as aforesaid.

Sec. 10. *And be it further enacted*, That if either party shall consider themselves aggrieved by the judgment of said court, they shall have the right to pray an appeal to the next term of the supreme court which shall be granted by said county court upon the party praying the appeal entering into bond and security to be approved by said court, to prosecute such appeal with effect.

Sec. 11. *And be it further enacted*, That whenever said creek shall be rendered navigable for boats drawing ten inches water, and so long as said creek shall be kept thus navigable it shall be lawful for said corporation to demand and receive toll on all boats navigating the same between said town of Huntsville and Triana at the following rates, two dollars for every ton freight which such boat carries, provided that toll shall not be collected on boats running between Prouts' Mill and Triana.

Sec. 12. *And be it further enacted*, That if any person shall obstruct said navigation by felling trees in said creek or otherwise, he, she, or they, so offending shall forfeit and pay to said corporation double the amount of the damages which may be assessed by a jury in any court of record having jurisdiction thereof.

[Approved Dec. 31, 1820.]

# An act to provide for the Government of the town

of Blakeley.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the free white male inhabitants of the age of twenty one who have resided in the town of Blakeley twelve months, or have become residents at the time of such election, and paid taxes therein the year preceding that in which the election shall be held shall on the first Monday of December in each year, hold an election in said town; to commence at ten o'clock in the forenoon and to close at five o'clock in the afternoon and elect by ballot and a majority of votes five commissioners (three of whom shall constitute a quorum to do business;) Also, a Town Treasurer, and an Assessor and a Collector of taxes, to serve one year or until their successors be chosen. And the said commissioners shall within three days after such election in each year, meet and elect by ballot from their own number, a President. And the inhabitants of said town shall be, and they are hereby constituted a body politic and corporate with perpetual succession by the name of "The President and commissioners of the Town of Blakeley;" and by that name they and their successors shall be capable in law, to sue and be sued, to plead and be impleaded, in all manner of suits and actions both in law and equity; and to grant, receive and do all acts as natural persons, to purchase and hold real, personal, or mixed property for said town, to alien sell and dispose of the same, or any part thereof, as to them may seem expedient for the benefit of said town and, to have and use a common seal, which may be broken or altered at pleasure.

Sec. 2. *And be it further enacted,* That the limits and boundaries of said town shall continue to be and remain as they are already defined, in a plan of said town recorded in the office of the clerk of the county court of Mobile; agreeably to an act of the Territorial Legislature, passed sixth of January, one thousand-eight hundred and fourteen. And the corporation of said town are hereby vested with all the powers and rights, which the county court may have in respect to public highways, and are hereby empowered to enforce the same within the limits of said town; and, the said corporation are hereby empowered to take such measures from time to time, to lay out streets and alleys, and to accept donations or grants of lots, square and reserves for public purposes (in addition to those already granted by the late Josiah Blakeley,) as they may think expedient.

Sec. 3. *And be it further enacted,* That the President and other officers in office on the first Monday in December in each year, shall remain in office until successors be elected and appointed; and it shall be the duty of the said five commissioners or such of them as may attend, to preside at the annual election appointed to be held on the first Monday of December as aforesaid and to declare the persons duly elected; and when on counting the ballots, there shall appear to be an equal number for two or more persons, it shall be the duty of the Judges presiding at such election to declare which of said persons is duly elected; and in case the whole number of commissioners, or any other officer authorized by this act to be elected on the first Monday of December shall not be then elected, or, if no election shall be had on that day, the President or presiding Commissioner so remaining in office, shall appoint another day by public notice given in said town, at least six days previous thereto, for holding an election for commissioners or any number thereof, or any other officer who may not have been elected as aforesaid, which election shall be held within one month after the first Monday of December in each year as aforesaid: *Provided,* that the first election which may be held under this act, may be held as aforesaid (the commissioners or any three of them now in office presiding as aforesaid) at any time before the first day of April next. And in case of the death, resignation, continued absence for six months, or removal from town of any one who may be elected commissioner, Treasurer, Assessor or Collector

that an election as in this section is above prescribed may be held to supply the vacancy.

Sec. 4. And be it further enacted, that the said five commissioners or a majority of those present, shall have power and authority from time to time and at all times to make such acts, by-laws, ordinances, orders, and regulations, not inconsistent with the constitution of the United States and the constitution and laws of this State, as to them may seem expedient for the government and regulation of the said town, and the benefit of its inhabitants; and the same to put in execution, revoke and alter; and to make, limit and impose reasonable sums, fines and amercements, not exceeding fifty dollars in any one case, against all and upon all and every person or persons who may offend against this act or the acts, by-laws, ordinances, or regulations of the corporation; and the money recovered shall be appropriated as the corporation shall direct for the benefit of said town: *Provided*, that this act and all the ordinances, by-laws or orders of the corporation shall be subject to repeal by the General Assembly. And the President and commissioners shall have power to adjourn their meetings from time to time unless sooner called together by a notice from the President. And the President shall notify a meeting, when requested by one of the commissioners; they shall keep a regular journal or record of their proceedings; and the record of the proceedings of each meeting, shall be signed by the President or commissioner presiding at such meeting.

Additional  
corporation  
powers.

Sec. 5. And be it further enacted, That the election of the President shall be entered of record, and it shall be his duty to preside at all meetings of the commissioners; and in case of his absence or inability to attend, any other member may be called to the chair, and perform the duties enjoined on the President. And in case of the refusal of any commissioner to accept the office of president on his election thereto, or of his death, resignation, inability, continued absence for six months, or removal from town, the Board of Commissioners may elect another in his place, to serve the remainder of the term. And the President and each of the commissioners shall *ex officio*, be Justices of the Peace within said town, so far only as it relates to carrying into effect all the ordinances, by-laws, and regulations of the corporation. And all process and precepts shall be directed to the officer whose duty it may be made by said corporation, to execute the same. And if any person considers himself aggrieved by the decision of the president or either of the commissioners, he may appeal forthwith to the same authority and under the same regulations as in all cases triable by a justice of the Peace; And all trials shall take place at the office of the President and Commissioners.

Com'r  
ex officio  
justices  
of the peace

Appeal  
may be taken.

Place of  
trial.

Sec. 6. And be it further enacted, That in addition to the officers to be elected by virtue of this act, the said President and Commissioners shall have power to constitute and appoint such other officers, as they may from time to time think necessary; to hold their offices during the pleasure of the president and commissioners; and to be commissioned accordingly. And the Treasurer, Assessor, Collector, and all other officers who may be appointed by the President and Commissioners shall enter into such bond with security to the Corporation as may be required of them, and shall receive such compensation for their services as may be fixed, and shall perform such duties as may be enjoined on them, and shall be liable to such fines for neglect of duty and misbehavior in office as may be imposed on them by the President and commissioners; and the bond or bonds, aforesaid for or for each of any covenant contained therein, may be prosecuted in the name of the Corporation, in any court of record, as bonds usually are.

Officers  
five bond

compensation.

Sec. 7. And be it further enacted, That the said President and Commissioners shall have power and authority to raise such sum or sums of money as they may think necessary; which sum or sums shall be appropriated and disposed of for said town, as the said President and Commissioners shall direct: *Provided*, that the tax which may be assessed on property real and personal shall not in any one year exceed the sum of forty cents.

Com'r's  
impose tax

Proviso.

Taxation  
ruled.

estate  
own.

pay grant  
cases.

resurer  
publish  
court.

Officers to  
take oath

for every hundred dollars value. And the tax on each poll shall not exceed three dollars per annum. And the amount which may remain due from any person or persons in any year for taxes may be added to or included in, the lists of the succeeding year or years and be collected by the then collector, in the same manner as the taxes for such year. And the said corporation shall have power to sell to the highest bidder at public auction, any real estate in said town for the arrears of taxes due thereon in the following manner. The person who will pay the tax due on the lot for the fewest number of feet front running back at right angles from the street to the back line of the lot shall be the purchaser, and the President of the board of commissioners shall issue to the purchaser a certificate of such sale, acknowledging the receipt of the amount of tax paid, and the cost of selling; and expressing also, that said lot or part of the lot so sold may be redeemed by the proprietor (at the time of such sale,) at any time within two years from the date thereof upon the payment of said tax and cost, and ten per centum per annum thereon. And if the said proprietor, shall fail to redeem as aforesaid, then said president shall convey to said purchaser or purchasers, the lot or land sold as aforesaid. And the President and Commissioners shall have the power and exercise the privilege of granting licences from time to time, in such manner, for such purposes, and for such sums, as to them may seem expedient. And in the month of November annually, the Treasurer shall publish in some newspaper an account of the receipts and expenditures of said town for the preceding year.

Sec. 8. And be it further enacted That every person elected or appointed by virtue of this act, to any office, shall before he enters on the duties thereof take and subscribe the following oath before some magistrate authorized by law to administer oaths, to wit: "I ----- do solemnly swear, that I will execute the office of ----- with impartiality to all persons, and agreeably to the best of my skill and judgment. So help me God."—A certificate of which shall be produced by the person taking such oath to be placed on the files of the corporation.

Sec. 9. And be it further enacted That the act entitled "an act for the government of the town of Blakeley," be and is hereby repealed. *Provided*, such repeal shall not affect any lawful proceedings had under said act  
[Approved Dec. 4. 1820.]

**Resolution appointing Commissioners to review and mark out a road from the military crossing of the Buttahatche to the falls of Tuskaloosa.**

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That John Casey, George Poe, Manly Files, ----- Eddy, and Isaac Adair, be and they or a majority of them, are hereby appointed commissioners, to review and mark out a road, the nearest and best way from the military crossing of the Buttahatche river to the falls of the Tuskaloosa: which commissioners, before they enter upon their duties, shall take and subscribe the usual oath directed to be taken by road commissioners, and report their proceedings to the County Court of Marion and Tuskaloosa, whose duty it shall be, forthwith to cause such road to be opened according to the existing road laws. [Approved, Dec. 20, 1820.]*

**Resolution authorising the payment of Chapley R. Wellborn.**

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Treasurer be and he is hereby authorised and required to pay to Chapley R. Wellborn, the sum of sixteen dollars, and eighty cents, as fees due to him by the state, as Jailor for Limestone county. [Approved Dec. 18, 1820.]*

**An act to incorporate the lower part of the Town of Tuscaloosa,** on the south fraction of Section 21, of Township 21 in Range 10 west of the meridian of Huntsville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the lower part of the town of Tuscaloosa, on the south fraction of Section, Number twenty one, of Township Number twenty one, Range Number ten west of the meridian of Huntsville, and the citizens thereof be and they are hereby incorporated. Incorporation.

Sec. 2. *And be it further enacted,* That the aforesaid lower part of the town of Tuscaloosa, shall be subject to the same restrictions and regulations and endowed with the same powers and privileges, that the town of Montgomery is subject or entitled to by an act passed at Huntsville, December third eighteen hundred and nineteen, entitled "an act to incorporate the town of Montgomery in the county of Montgomery," except that until the first Monday in January one thousand eight hundred and twenty two and until their successors be appointed in conformity with said act, Charles Lewen, Benjamin Cox, Gilbert Saltonstall, John J. Inge, Isaac Patrick, William M. Marr and Joshua Holbert be and they are hereby constituted a body corporate by the name and style, of "the Intendant and Council of the lower part of the town of Tuscaloosa," under which title they and their successors in office may sue and be sued, plead and be impleaded, as is prescribed in the before recited act.

[Approved December 20, 1820.]

**An act making it the duty of the Comptroller to issue printed warrants.**

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the Comptroller to have warrants printed; on the best paper that can be procured with the word "Alabama" on one end, and the words, "Treasury Department" on the other, to be issued in sums of five, ten, and twenty dollars, or a larger amounts at the pleasure of the creditors of the State; and the sum of fifty dollars is hereby appropriated for carrying the same into effect.

[Approved, December 15, 1820.]

**An act to authorize the payment of sixty dollars to Samuel Dale.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public accounts be, and he is hereby authorized and required to draw his warrant on the Treasurer in favor of Samuel Dale for the sum of sixty dollars, and that the Treasurer be authorized and required to pay the same, out of any money in the treasury not otherwise appropriated. [Approved, December 20, 1820.]

**An act to establish the seat of Justice in the county of Montgomery.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the town of Montgomery shall be the temporary seat of justice for said county, until otherwise directed by law.

[Approved Dec. 16, 1820.]

## An act appointing additional precincts for holding elections in the County of Bibb.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in addition to the places now appointed by law for holding elections in the county of Bibb an election shall be held at the house of Henry W. Stevens, and one at the house of John Allen in said county. This act shall commence and be in force from and after the passage thereof. [Approved Dec. 20, 1820.]

## An Act to authorize Daniel Reid to emancipate certain slaves therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Daniel Reid, a man of color, of Washington county, be, and he is hereby authorized and empowered to emancipate his two children Judah and Eliza, so soon as the said Daniel Reid shall have executed to the Chief Justice of the county court of Washington and his successors in office, a bond with sufficient security to be approved of by the county court conditioned that the said slaves Judah and Eliza or either of them, shall never become chargeable to the state of Alabama, or any county or town within the same. [Approved December 11th, 1820.]

## An act to alter and extend the boundaries of the county of Baldwin, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the boundaries of the county of Baldwin be, and they are hereby altered and extended, and shall in future be comprized within the following limits, to wit: beginning at that point on the Alabama river, where it unites with little river, thence up little river to the point where said river is intersected by the range line between ranges five and six, east of the basis meridian line of the land district east of Pearl river, thence north along said line to the northwest corner of township three, in range six; thence east along the township line, between townships three and four, in range seven; thence south along the range line between the ranges seven and eight, to the thirty first degree of north latitude; thence in a direct line to the head of Perdido river; thence down said river to the mouth thereof; thence along the coast of the Gulf of Mexico to the channel or pass between Mobile point and Dauphin island; thence through said pass and the middle of Mobile bay to the center of a direct line, to be drawn between the towns of Mobile and Blakeley; thence in a direct line to the head of middle river, so called at its junction with Tensa river; thence up the Tensa river to its junction with the Mobile river; thence up Mobile river to the junction of the Tombecbe and Alabama rivers; thence up Tombecbe river to the mouth of the cut off, so called; thence through the cut off to the Alabama river; thence up the Alabama to the mouth of little river the place of beginning.

Sec. 2. *And be it further enacted,* That all that part of Baldwin county lying south of the line of Washington county and west of the Tombecbe and Mobile rivers, be, and the same is hereby added to, and shall in future comprize a part of the county of Mobile.

Sec. 3. *And be it further enacted,* That all that tract of country, which has hitherto been a part of Baldwin county, and which lies in the Fork commonly so called, between the rivers Alabama and Tombecbe, and north of the Cut off, be, and the same is hereby added to, and shall in future comprize a part of the county of Monroe.

Sec. 4. *And be it further enacted,* That the seat of justice or court house for the said county of Baldwin as established by the first section of this act be, and the same is hereby fixed in the town of Blakeley.

Sec. 5. *And be it further enacted*, That Cyrus Sibly, James W. Peters, Francis B. Stockton, Benjamin U. Randall and Samuel Hall, be, and they are hereby appointed commissioners, a majority of whom shall have power and authority to procure by donation, or purchase at the expence of the county a lot of ground in the said town of Blakeley, of such size as may in their opinion be suitable for the purpose of erecting thereon a court house and jail; and the said commissioners or a majority of them shall have power to contract with some person or persons for building the said court-house and jail as aforesaid, on such plan and in such manner as they may think proper: *Provided*, the sum for the said buildings shall not exceed the sum of two thousand dollars.

Com'rs.  
to procure

Sec. 6. *And be it further enacted*, That the county court of said county of Baldwin, be, and they are hereby authorised and required to lay such tax on the persons and property of the inhabitants of said county liable to taxation in other cases, as shall be sufficient to defray all the expences to be incurred under this act: *Provided*, the tax so laid shall not exceed the sum of two thousand dollars.

Levy tax

Sec. 7. *And be it further enacted*, That it shall be the duty of the sheriff and the clerks of the circuit and county courts, or persons now exercising the duties of those offices, to remove within the limits of Baldwin county as now established by this act, on or before the first day of January next, and on moving into the county as aforesaid, it shall be their duty to give notice of the same, to the persons authorized to hold an election under the provisions of this act, and if they fail to do so, then and in that case, there shall be an election holden in the town of Blakeley, in the said county of Baldwin as aforesaid, on the second Monday in January next for the election of a Sheriff, Clerk of the circuit, and Clerk of the county court; and that Cyrus Sibly, Charles Hall, Russell Stebbins, Benjamin J. Randall, and Francis B. Stockton, or a majority of them be, and they are hereby appointed managers of the said election, and the said managers shall conduct said election in conformity to the election laws of this State, and shall make return to the Secretary of State of the persons so elected.

Sheriff and  
Clerks to  
remove.

Election.

Sec. 8. *And be it further enacted*, That the clerks of the circuit and county courts in the county of Baldwin, shall immediately after the elections provided to be holden by the seventh section of this act, transfer all the records and judicial proceedings in their possession, to the clerks of the circuit and county courts respectively, of the county of Baldwin, as established by this act: who shall be the keepers of the records and judicial proceedings of their respective courts.

Transfer  
the records

Sec. 9. *And be it further enacted*, That all causes now pending in the circuit court of Baldwin county, shall be heard and determined in the circuit court of Baldwin county, the limits and boundaries of which are defined and established by this act: *Provided*, that all criminal proceedings now pending shall be transferred to the circuit courts of the counties respectively, which by this act are made to embrace that part of the county of Baldwin where the offences are alleged to have been committed; which courts are hereby authorized to hear and determine the same.

Sec. 10. *And be it further enacted*, That the justices of the county court of the county of Baldwin as aforesaid, or a majority of them or their successors in office, or a majority of them shall have power to sue for, and recover for the use of the said county, any property real or personal, heretofore given, granted, or demised, or which may be at any future time, given, granted, or demised in the town of Blakeley or at any other place, for the use of the said county of Baldwin, or for the use of that county in which Blakeley at the time of the gift, grant or demise, was or may be situated.

Justices  
to sue.

Sec. 11. *And be it further enacted*, That all Justices of the peace, constables and militia officers, who may have been elected in the counties of Baldwin and Mobile under the laws of this State, and who shall be by the operation of this act included in any other county than the one for which they were elect-

Officers  
hold their  
Com'rs' ne.

ed, be, and they are hereby authorised to act in all respects as Justices of the Peace, Constables and millin officers for the county in which they may respectively reside.

**Election precinct.** Sec. 12. *And be it further enacted,* That there shall be an additional election precinct at the town of Florida for the county of Mobile.

**Treasurer to settle accounts.** Sec. 13. *And be it further enacted,* That it shall be the duty of the Treasurer of Baldwin county within two months after the passage of this act to settle and adjust the accounts of said county with the Judge of the county court of Baldwin, and on failure thereof it shall be the duty of the said Judge to institute suit against said Treasurer and his securities, and the amount of monies in the Treasury of said county shall be equally divided between the county of Mobile and the county established by this act.

**Court House to be sold.** Sec. 14. *And be it further enacted,* That the court house and jail at McIntosh's bluff in the county of Mobile as established, shall be sold by order of the county court of Mobile: and the monies arising from said sales shall be equally divided between the counties herein named. to be applied to county purposes.

[Approved December 10, 1821.]

### An act for the relief of the tax collector of Lauderdale county, and for other purposes.

**Relief of collector of Lauderdale** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the collector of taxes for the county of Lauderdale for the year 1820, be, and he is hereby authorised and required to collect the balance of the taxes due from said county to this State, for the year 1820, and make return of the same to the proper officers of the State, at the time required by law for the return of taxes for the year 1821.

**Dallas.** Sec. 2. *And be it further enacted,* That the comptroller of public accounts, be, and he is hereby authorised to make an allowance to the tax collector of Dallas county for so much of the taxes on the lands lying in said county, owned by non-residents as may be made satisfactorily to appear, cannot be collected either by lease or otherwise.

**Franklin.** Sec. 3. *And be it further enacted,* That the tax collector of Lawrence and Franklin counties for the year 1820, be, and they are hereby authorised to collect the balance of taxes due from said counties, and make return of the same at the time appointed by law in the year 1821.

**Fees.** Sec. 4. *And be it further enacted,* That the same fees shall be allowed on all judgments in civil suits in behalf of the State, as is or may be allowed in the supreme court.

**Money received for taxes.** Sec. 5. *And be it further enacted,* That it shall not be lawful for the tax collectors to receive in payment for taxes any money, except gold or silver, and office money, the bills of incorporated banks of this State, and Comptrollers warrants.

Sec. 6. *And be it further enacted,* That nothing in this act shall be so construed as to prevent tax collectors of the present year from paying, and the Treasurer from receiving such monies as are authorised to be received in payment of taxes by the existing laws. [Approved, Dec. 20, 1820.]

### A resolution for printing the Journals and Laws of the present General Assembly.

*Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the state printer be and is hereby required to print and deliver as prescribed by law, twenty two hundred copies of the acts of the Legislature passed at the present session, and one thousand copies of the Journals of the House of Representatives, and seven hundred copies of the Journals of the Senate.

## An Act to fix the seat of Justice permanently in Lauderdale County.

Section 1. *BE it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That an election shall be held in the county aforesaid on the first Monday in February next, at the places by law appointed for holding the general elections therein, for the purpose of electing seven commissioners of the County Court, which election shall be holden by the proper officer and be conducted strictly pursuant to the election laws now in force in this state. Election of Comrs.

Sec. 2. *And be it further enacted,* That the commissioners aforesaid or a majority of them, shall fix on the most eligible site for the seat of justice aforesaid, as near the center as may be expedient, having in view natural convenience and the general interest of the county: And they shall have power to contract with the owner or owners of the land, they may select for the county site, for a tract not exceeding one hundred and sixty acres, and to take bond and security from the said owner or owners for the perfecting a good and sufficient title to the land so purchased, and also to receive any donations in behalf of the county, which may be offered for the erection of the public buildings. Seat of Justice.

Sec. 3. *And be it further enacted,* That it shall be the duty of the aforesaid commissioners to lay off the land they may purchase, or as much thereof as they may deem expedient, into lots of a convenient size, and expose the same to public sale, giving thirty days public notice in the Florence Gazette, Columbia Chronicle of Tennessee and at three public places in the county, on such credits, and payable in such instruments as they may deem just and proper. Lay off & sell lots.

Sec. 4. *And be it further enacted,* That the said commissioners after selecting the place for the seat of Justice, shall proceed to let out to the lowest undertaker the building a court house, jail and other necessary public buildings for the county of Lauderdale; first giving thirty days notice in the Florence Gazette and at three public places in the county and they shall take bond with approved security, from the undertaker or undertakers in double the sum for which said public buildings shall be let out, for the faithful completion of the work by the time mentioned in the terms of letting out, and agreeable to the plan by them devised, payable to them as commissioners aforesaid. Public buildings.

Sec. 5. *And be it further enacted,* That the said commissioners appointed by this act shall superintend the public buildings aforesaid, and on the completion thereof pay the undertaker or undertakers out of the monies arising from the sales of the land or lots, authorized to be sold by this act, and the balance (should there be any) after deducting a competency for their trouble, and expense, to deposit in the Treasury of the county; also they shall make a report of the whole of their proceedings to the County Court of Lauderdale, which shall be entered by the clerk of said court on record. Comrs. to superintend public buildings.

Sec. 6. *And be it further enacted,* That the said commissioners before entering upon the duty assigned them by this act shall take the following oath. I do solemnly swear, that I will select and fix on the site for the seat of justice and public buildings in the county of Lauderdale agreeable to the provisions of this act, without favor or partiality. Oath.

Sec. 7. *And be it further enacted,* That the site for the seat of justice fixed on under the directions of this act, shall be the permanent seat of justice for said county; and this act shall be in force from the passing thereof. [Approved Dec. 18, 1820.] permanent seat.

-- An act supplementary to the act entitled an act to incorporate the city of Mobile, passed the 17th of December 1819.

*Survey to be made.*  
 Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Corporation of the City of Mobile; shall be, and they are hereby authorized and directed to cause a complete and accurate survey to be made of the said city; agreeably to the courses and limits prescribed in the act to which this is a supplement, and to establish and fix from time to time permanent boundaries at such places as they may deem necessary and proper for perpetuating the boundaries of the said city and to cause the squares into which the said city, now is, or may hereafter be divided to be numbered and each and every lot contained in said squares to be numbered, beginning at such point as the said corporation may designate, and progressing with the same in the manner they may direct, and also to cause the front and depth of each lot so numbered to be measured, and specified on the survey of the city, and after the said survey shall have been so made, and approved by the Corporation the same shall be admitted to record in the Registers office; or in such office as at the time of completing said survey, shall or may by law be appointed for recording deeds.

*Powers of corporation.*  
 Sec. 2. *And be it further enacted,* That the said corporation shall have power to widen, extend and regulate the streets, lanes, and alleys, within the limits of said city, *Provided,* that no street, lane, or alley, now existing, shall be widened or extended so as to infringe upon, or interfere with any dwelling houses or other house in the occupancy of any inhabitant of said city, without the consent of the owner or claimant thereof, and *Provided* moreover, that the street called and known by the name of Government street, shall be, and the same is hereby declared to be one hundred feet wide, and it shall be the duty of the said corporation to designate and distinctly to mark out the northern limits of said street according as the same were established by the Spanish Government, as nearly as can be ascertained by the Spanish records, by the records of the land office, or by any other evidence which they may deem satisfactory, and the limits when so ascertained, marked out and designated, shall, be the permanent northern boundary of said street.

*Further powers.*  
 Sec. 3. *And be it further enacted,* That the said corporation shall have power, and they are hereby authorized to alter and change the present names of streets of the said city whenever they may deem it expedient, and they shall mark the names when so altered and changed together with the original names thereof on the map of said city.

*Corporation authorized to lay off streets.*  
 Sec. 4. *And be it further enacted,* That the said corporation shall have power, and they are hereby authorized to lay out and open new streets, lanes or alleys whenever they may deem it expedient within the limits of the said city, under the restrictions herein before laid and under the following regulations that is to say, the Mayor of the said city shall summon twelve free holders inhabitants of the said city not directly interested in the lands or lots through which it is proposed to open and lay out the said new street or streets, who being first sworn to assess and value what damages would be sustained by the owners of said lots or lands by reason of the opening and laying out of any street, lane, or alley, and the damages so assessed shall be paid by the corporation of said city to the owners of said lots or lands; *Provided* always, that no street, lane or alley shall be opened, or laid out until the damages assessed to individuals in consequence thereof shall have been paid.

*Sec. 5. And be it further enacted,* That no property of any description lying beyond the distance of one half of a mile westwardly from the most eastern street of the city aforesaid shall be liable to taxation by the corporation of the said city. Property not taxable

*Sec. 6. and be it further enacted,* That if any person who may be brought before the Mayor of the said city on any charge whatever, shall be dissatisfied in the decision of the mayor, they may forthwith, appeal to the circuit court in all cases when judgment shall exceed twenty dollars giving bond and security as by the eleventh section of the act to which this is a supplement, is prescribed. Appeal

*Sec. 7. And be it further enacted,* That three discreet persons shall be appointed to assess the tax in the same manner as heretofore prescribed in the ninth section of the act to which this is an amendment. Tax

*Sec. 8. And be it further enacted,* That all acts and parts of acts coming within the purview and meaning of this act be and the same are hereby repealed. Repealed  
[Approved, Dec, 14, 1820.]

### An act to authorise the persons therein named to sell and transfer certain certificates of land.

*Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Green K. Hubbard administrator of the estate of Walker Gannaway, deceased, be and he is hereby authorised to sell the certificates of the south west quarter of section number six, in township number seven, of range number eight, west in the Madison district, belong to the estate of said Walker Gannaway, deceased, on such terms as they may deem most advantageous, taking bond with sufficient security for the true and faithful payment of the consideration. *Provided,* That thirty days notice be given of the time of sale, and that the same be sold at public auction, at the court house of the county in which said quarter section may lie. Adm'r. of sell certifi- cate of lan

*Sec. 2. And be it further enacted,* That the said administrator is hereby authorised and empowered, on the sale of such certificate to make or cause to be made to the purchaser or purchasers (as the case may be) of the same, a conveyance of such title as the said deceased had or was entitled to; which conveyance shall be equally valid, and binding as if the same had been made by the said decedent in his life time. Conveyance valid

*Sec. 3. And be it further enacted,* That said administrator shall before the sale of the lands herein before authorised to be sold, enter into bond with sufficient security payable to the chief justice of the orphan's court, in which said land is situated, for the disposition of the money arising from the sale of said land, agreeably to the existing laws regulating the distribution of the personal effects of deceased persons. Give bond

*Sec. 4. And be it further enacted,* That Stephen C. Richardson, and Sarah T. Richardson, formerly Sarah T. Howard, executrix of the late Brutus Howard, deceased, be, and they are hereby authorised and empowered to sell and transfer any or all of the lands purchased by the said Brutus Howard, and for which certificates only have issued.

*Sec. 5. And be it further enacted,* That it shall be the duty of said Stephen C. Richardson and Sarah T. Richardson previous to any such sale, to enter into bond with good and sufficient security to the chief justice of the county court of Monroe county, conditioned for the faithful application of the proceeds of such sale, to the benefit of the estate of said Howard.

Sec. 6. *And be it further enacted*, That all transfers made in pursuance of the provisions of this act, shall be deemed as valid as if made by said Howard in his life time. [Approved December 20, 1820.]

**An act to amend an act passed at Huntsville on**  
on the 13th day of Nov. in the year 1819, incorporating the town of Triana.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Trustees of the Town of Triana shall within three days after their election proceed to elect by ballot, from their own body, a President; and the person having the highest number of votes, shall be the President for the year ensuing such election. That said President and Trustees shall be styled "the President and board of Trustees of the town of Triana;" any three of whom shall be a quorum to do business; they may have and use a seal which may be broken, or altered at pleasure: and under the style aforesaid, they may sue and be sued, implead and be impleaded, grant, receive, and do all other acts which natural persons may do; and may purchase and hold real, personal, and mixed estate (not exceeding at any one time ten thousand dollars) or dispose of the same for the benefit of the said town.

Sec. 2. *And be it further enacted*, That the said president shall be ex officio vested with all the power and authority that Justices of the peace are vested with by the laws of this state; and shall and may exercise the same within the limits of said town, under the same penalties and restrictions to which Justices of the peace of this state are, and may be liable.

Sec. 3. *And be it further enacted*, That the said president shall issue his process as justice of the peace for the town of Triana for breach of all or any of the bye laws and ordinances of said corporation, to the police constable appointed by said corporation, or in his absence to any constable of the county, who shall bring the offender or offenders in pursuance of the said process, before the said president, who shall proceed to try the offender or offenders, and examine all witnesses that may appear, or be subpoenaed before him, both on the part of the corporation and the delinquent and give judgment as to him shall appear just and legal, and shall receive the same compensation for the same, as other justices of the peace for the like duties, and if the said person or persons who may be brought before the said president shall be dissatisfied with the decision of the said president, they may forthwith appeal to the circuit court in all cases, and the said person or persons so appealing shall give bond with sufficient security to pay and satisfy the judgment with costs, of said president, if affirmed by the circuit court; and the proceedings thereon, shall be such as are prescribed by law in other cases of appeal.

Sec. 4. *And be it further enacted*, That a constable shall be annually elected, by the qualified electors of said town at such time and place as a majority of the trustees may direct giving at least ten days notice of the time, and place of holding said election: who shall enter into bond with sufficient security to be approved by a majority of the board of trustees in the sum of two hundred dollars for the faithful performance of the duties of his office, and which said bond for every breach of covenant contained therein, may be prosecuted in the name of the President and board of trustees of the town of Triana, as bonds usually are, which are given to corporated bodies in any court of record in the county of Madison.

Sec. 6. *And be it further enacted*, That if any constable elected as aforesaid shall refuse to qualify, resign, remove, die or be otherwise <sup>Vacancy how filled</sup> disabled from acting the said Trustees or a majority of them, shall order another election as soon as practicable; giving at least ten days notice.

Sec. 8. *And be it further enacted*, That a majority of said trustees shall have power to appoint annually, from their own body a treasurer <sup>Treasurer appointed</sup> who shall give bond with sufficient security to be approved by a majority of said trustees in such sum as they may deem expedient, for the faithful discharge of the duties of his office, recoverable in like manner as the constable's bond.

Sec. 7. *And be it further enacted*, That the inhabitants of the said town be exempted from working on all public roads and highways, except within the limits of the corporation aforesaid.

Sec. 8. *And be it further enacted*, That the trustees and other officers elected for the government of said town, shall severally take an oath before a justice of the peace faithfully and impartially to discharge the duties of their office so long as they continue in the same.

Sec. 9. *And be it further enacted*, That in case of the refusal of any trustee to accept the office of President upon his election thereto, or of his death, resignation, inability or removal from town, the said board shall elect another, in his place to serve the remainder of the year and in case of the death, refusal to act, resignation, inability or removal from town or any of the trustees a new election shall be called by the President, and shall be held as heretofore prescribed for the election of another in his place, to serve the remainder of the year.

[Approved Dec. 20, 1820.]

### Resolution making an appropriation to certain persons therein named.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Barclay, George W. Hopkins, James Fletcher, and William Usery returned as members, to serve in the House of Representatives from the county of Jackson, be and they are hereby entitled to receive the same mileage and per diem compensation, during the time they attended the House of Representatives waiting the determination on the propriety of their election and qualification as members. And that the Speaker be and he is hereby authorized and required to give to each of them a certificate in the same manner as is given to members of the General Assembly. <sup>Compensation. Speaker required to give certificates.</sup>

[Approved, November 18, 1820.]

### Resolution to make an allowance to the Clerk of the House of Representatives, and Senate for ex-officio services.

Section 1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Clerk of the House of Representatives, and Secretary of the Senate, be allowed the sum of forty nine dollars each, for ex-officio services to be rendered in arranging the public papers, and preparing the journals for the press.

Sec. 2. *Resolved by the authority aforesaid*, That the Comptroller of Public Accounts be, and he is hereby required to issue his warrant for the same, to be paid out of any monies in the Public Treasury not otherwise appropriated.

[Approved Dec. 21, 1820.]

**Resolution authorizing the Governor to pay to David and Nicholas Crocheron a sum of money therein mentioned.**

*Resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the acting Governor of this state be authorized and directed to pay David and Nicholas Crocheron, four thousand five hundred dollars in addition to the sum heretofore allowed them for the purpose of building a State House in the town of Cahawba, and that the said additional sum be paid out of any money in the Treasury arising from the sale of lots in the town of Cahawba which is not otherwise appropriated.

*Be it further resolved,* That the compensation herein allowed, shall be understood, as full and complete payment for all work and labor done on the State House aforesaid, not only that which is provided for in and by the original contract, but likewise all such as may have been directed to be done by the Acting Governor.

[Approved December 21, 1820.]

**Resolution providing for the preservation of the State Records.**

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in future it shall be the duty of the Secretary of State, at, or soon after the close of each General Assembly, to deposit in his office all the records and papers necessarily belonging to the Legislature; which shall be determined by an examination made by the Secretary of State, Secretary of the Senate, and Clerk of the House of Representatives, who are hereby appointed commissioners for that purpose. [Approved. Dec. 16, 1820.]

**Resolutions authorizing the State Treasurer to pay the expenses of the General Assembly in manner therein mentioned, and for other purposes.**

*Resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the State Treasurer be authorized to pay out of the Treasury for the expenses of the General Assembly to each member, clerk, and door keeper thereof only such proportion of each members, clerks, and door keepers just demand on the same, having regard to kind as well as quality, and

*Resolved,* That the Treasurer upon warrant of the Comptroller, To pay be authorized to pay the sums due the assessors for assessing the taxes, and taking the census for the year eighteen hundred and twenty, out of any money in the Treasury not otherwise appropriated.

[Approved December 14, 1820.]

**Resolution for the relief of the Collector of taxes of Monroe County.**

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Samuel Dale, and his securities be, and they are hereby allowed until the first day of January one thousand eight hundred and twenty two, to complete the payment of two hundred and ninety nine dollars, and four and one fourth cents, being the balance due by him to the state as collector of taxes for Monroe county, for the year one thousand eight hundred and seventeen: and that the Comptroller of Public Accounts be and he is hereby authorized and required to delay the collection of the same until that period.

[Approved. Dec. 18, 1820.]

## An act to alter and extend the limits of Autauga

County and for other purposes.

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the boundaries of Autauga County be and they are hereby altered and extended as follows, to wit: Commencing at Big Mulberry creek where the line dividing the nineteenth from the twentieth township crosses the same, thence east along said line to the range line between thirteen and fourteen; thence north along said line to Shelby county line, thence east along said line to Coosa river; thence down that river to the mouth of Mulberry creek; thence up the same to the place of beginning: and the same shall be, and remain the permanent boundaries of Autauga county.* Boundary.

Sec. 2. *And be it further enacted, That the commissioners appointed to superintend the building of a court house and jail in the county of Autauga, be, and they are hereby authorized to draw on the county Treasurer for the county of Autauga for such sum or sums, as the county court of said county may think proper to allow them, for superintending the building of said court house and jail in said county.* County  
commissioners

[Approved Dec. 13. 1820.]

## An act to point out the duties of owners and keepers of water mills, who grind grain for toll.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the first day of March, 1821, it shall be the duty of all owners of mills, or person or persons employed in keeping a mill within this state, who grind grain for toll, to grind each turn in rotation as they are received in the mill, and shall grind all grain well if water will permit, and may take and receive one eighth part of the grain so ground for toll, and no more.* Duty  
owners  
mills.

Sec. 2. *And be it further enacted, That if any person or persons shall commit any offence against the provisions of this act, he, she, or they shall on conviction forfeit and pay the sum of ten dollars with costs for every such offence, to be recovered before any justice of the peace in the county where such offence may be committed; and the money so recovered shall be paid over to the person who may sue for the same: Provided, that nothing in this act shall prohibit any owner of a mill from grinding his own grain at any time.* Peace

[Approved December 9, 1820.]

## An act concerning the appointment of County

Officers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of an act providing for the appointment of County officers, passed on the seventeenth day of December, eighteen hundred and nineteen, as directs that constables, county treasurers, county surveyors, coroners, auctioneers, assessors and tax collectors, shall be commissioned by the Governor, be, and the same is hereby repealed.*

Sec. 2. *And be it further enacted, That the certificate of the Chief Justice of the county court that the constable, treasurer, surveyor, coroner, auctioneer, assessor, or tax collector, (as the case may be) who may have been elected, has given bond and security as such, agreeably to law, shall be sufficient evidence of such officers right and authority to exercise and perform the duties of the office, to which he may have been appointed.*

[Approved Dec. 20, 1820.]

## Resolution to authorize the Comptroller to receive

all monies and notes arising from the rents of Seminary lands.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the Comptroller be, and

Comptrol- he is hereby authorized and empowered to receive of the Acting Go-  
or to re- vernor, such notes and monies as may have accrued from the rent of  
give o- the seminary lands, and paid to him by any of the commissioners ap-  
ey. pointed to rent said lands for the year eighteen hundred twenty

*And be it further resolved.* That the Comptroller be and he is here-  
by authorized and required to collect all monies due on all notes which  
To collect may be placed in his hands for the rent of the seminary lands aforesaid  
monies. and pay over the same to the Treasurer, whose duty it shall be to re-  
ceive the same into the treasury, and keep a separate and distinct  
account of all such monies, subject to the future disposition of the Le-  
gislature.

[Approved, December 20, 1820.]

## Resolution assigning certain rooms of the State- House to the use of the Comptroller of Public Accounts, and the State Treasurer.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the north east room on the second floor of the state-house be assigned for the use of the Comptroller of Public Accounts: and that the south west room on the first floor be assigned for the use of the State Treasurer.

[Approved, December 13, 1820.]

## Resolution to authorize the payment to Daniel Ra- ther as Jailor of Madison county.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the Treasurer be, and he is hereby authorized, and required to pay to Daniel Rather, the sum of six hundred and seven dollars and fifteen cents, as fees due to him by this State as Jailor of Madison county.

[Approved December 21, 1820.]

## An Act to amend an act to provide for leasing for

a limited time the lands reserved by the Congress of the United States for the support of schools within each township of this State for a seminary of learning and for other purposes.

ents to  
e lands  
Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That from and after the passage of this act, the agents of the school lands within each township in this state, shall have power to lease the same for any term not exceeding six years.

unfilled  
start.  
Sec. 2. *And be it further enacted.* That all white male persons, over the age of twenty one years, who may reside in each township at the time of the election of the agents shall be deemed qualified electors, any law to the contrary notwithstanding. [Approved December 1, 1820.]

I DO hereby certify that the foregoing are correct copies, "collated with and corrected by the original rolls deposited in my Office." In testimony whereof I have hereunto subscribed my name the 12th day of February 1821.

THO. A. ROGERS,  
Secretary of State



|  |   |  |
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ERRATA—Page 30—Section 9—Line 10 after the word  
 "three miles" instead of "ten miles."  
 Page 32—1st line, read, "shall be," instead of "be shall."

